

**EIGHTY-FOURTH GENERAL ASSEMBLY  
2011 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

MAY 17, 2011

**SENATE AMENDMENT TO  
HOUSE FILE 645**

**H-1731**

1 Amend House File 645, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking everything after the enacting clause  
4 and inserting:  
5  
6 <DIVISION I  
7 FY 2011-2012 APPROPRIATIONS  
8 DEPARTMENT FOR THE BLIND  
9 Section 1. ADMINISTRATION. There is appropriated  
10 from the general fund of the state to the department  
11 for the blind for the fiscal year beginning July 1,  
12 2011, and ending June 30, 2012, the following amount,  
13 or so much thereof as is necessary, to be used for the  
14 purposes designated:  
15 1. For salaries, support, maintenance,  
16 miscellaneous purposes, and for not more than the  
17 following full-time equivalent positions:  
18 ..... \$ 1,758,156  
19 ..... FTEs 88.00  
20 2. For costs associated with universal access to  
21 audio information over the phone on demand for blind  
22 and print handicapped Iowans:  
23 ..... \$ 50,000  
24 COLLEGE STUDENT AID COMMISSION  
25 Sec. 2. There is appropriated from the general fund  
26 of the state to the college student aid commission for  
27 the fiscal year beginning July 1, 2011, and ending June  
28 30, 2012, the following amounts, or so much thereof  
29 as may be necessary, to be used for the purposes  
30 designated:  
31 1. GENERAL ADMINISTRATION  
32 For salaries, support, maintenance, miscellaneous  
33 purposes, and for not more than the following full-time  
34 equivalent positions:  
35 ..... \$ 242,077  
36 ..... FTEs 3.95  
37 2. STUDENT AID PROGRAMS  
38 For payments to students for the Iowa grant program  
39 established in section 261.93:  
40 ..... \$ 822,201  
41 3. DES MOINES UNIVERSITY ---- HEALTH CARE  
42 PROFESSIONAL RECRUITMENT PROGRAM  
43 For forgivable loans to Iowa students attending Des  
44 Moines university ---- osteopathic medical center under  
45 the forgivable loan program pursuant to section 261.19:  
46 ..... \$ 338,756  
47 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM  
48 For purposes of providing national guard educational  
49 assistance under the program established in section  
50 261.86:  
51 ..... \$ 3,186,233

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1 5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM  
2 For the teacher shortage loan forgiveness program  
3 established in section 261.112:  
4 ..... \$ 407,841  
5 6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM  
6 For purposes of the all Iowa opportunity foster care  
7 grant program established pursuant to section 261.6:  
8 ..... \$ 575,783  
9 7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM  
10 a. For purposes of the all Iowa opportunity  
11 scholarship program established pursuant to section  
12 261.87:  
13 ..... \$ 2,328,724  
14 b. If the moneys appropriated by the general  
15 assembly to the college student aid commission for  
16 fiscal year 2011-2012 for purposes of the all Iowa  
17 opportunity scholarship program exceed \$500,000,  
18 "eligible institution" as defined in section 261.87,  
19 shall, during fiscal year 2011-2012, include accredited  
20 private institutions as defined in section 261.9,  
21 subsection 1.  
22 8. REGISTERED NURSE AND NURSE EDUCATOR LOAN  
23 FORGIVENESS PROGRAM  
24 a. For purposes of the registered nurse and nurse  
25 educator loan forgiveness program established pursuant  
26 to section 261.23:  
27 ..... \$ 84,022  
28 b. It is the intent of the general assembly that  
29 the commission continue to consider moneys allocated  
30 pursuant to this subsection as moneys that meet the  
31 state matching funds requirements of the federal  
32 leveraging educational assistance program and the  
33 federal supplemental leveraging educational assistance  
34 program established under the Higher Education Act of  
35 1965, as amended.  
36 9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION  
37 GRANT PROGRAM  
38 For purposes of the barber and cosmetology arts and  
39 sciences tuition grant program established pursuant to  
40 section 261.18:  
41 ..... \$ 38,386  
42 Sec. 3. CHIROPRACTIC LOAN FUNDS. Notwithstanding  
43 section 261.72, the moneys deposited in the  
44 chiropractic loan revolving fund created pursuant  
45 to section 261.72 may be used for purposes of the  
46 chiropractic loan forgiveness program established in  
47 section 261.73.  
48 Sec. 4. WORK-STUDY APPROPRIATION FOR FY  
49 2011-2012.  
50 Notwithstanding section 261.85, for the fiscal year

1 beginning July 1, 2011, and ending June 30, 2012,  
2 the amount appropriated from the general fund of the  
3 state to the college student aid commission for the  
4 work-study program under section 261.85 shall be zero.

5 DEPARTMENT OF EDUCATION

6 Sec. 5. There is appropriated from the general fund  
7 of the state to the department of education for the  
8 fiscal year beginning July 1, 2011, and ending June 30,  
9 2012, the following amounts, or so much thereof as may  
10 be necessary, to be used for the purposes designated:

11 1. GENERAL ADMINISTRATION

12 For salaries, support, maintenance, miscellaneous  
13 purposes, and for not more than the following full-time  
14 equivalent positions:

15 ..... \$ 6,202,865  
16 ..... FTEs 81.67

17 2. VOCATIONAL EDUCATION ADMINISTRATION

18 For salaries, support, maintenance, miscellaneous  
19 purposes, and for not more than the following full-time  
20 equivalent positions:

21 ..... \$ 449,276  
22 ..... FTEs 11.50

23 3. VOCATIONAL REHABILITATION SERVICES DIVISION

24 a. For salaries, support, maintenance,  
25 miscellaneous purposes, and for not more than the  
26 following full-time equivalent positions:

27 ..... \$ 4,963,168  
28 ..... FTEs 255.00

29 b. For matching funds for programs to enable  
30 persons with severe physical or mental disabilities to  
31 function more independently, including salaries and  
32 support, and for not more than the following full-time  
33 equivalent position:

34 ..... \$ 40,662  
35 ..... FTEs 1.00

36 c. For the entrepreneurs with disabilities program  
37 established pursuant to section 259.4, subsection 9:

38 ..... \$ 151,242

39 d. For costs associated with centers for  
40 independent living:

41 ..... \$ 41,874

42 4. STATE LIBRARY

43 a. For salaries, support, maintenance,  
44 miscellaneous purposes, and for not more than the  
45 following full-time equivalent positions:

46 ..... \$ 1,257,051  
47 ..... FTEs 17.00

48 b. For the enrich Iowa program established under  
49 section 256.57:

50 ..... \$ 1,739,878

1 5. LIBRARY SERVICE AREA SYSTEM  
2 For state aid:  
3 ..... \$ 1,044,870  
4 6. PUBLIC BROADCASTING DIVISION  
5 For salaries, support, maintenance, capital  
6 expenditures, miscellaneous purposes, and for not more  
7 than the following full-time equivalent positions:  
8 ..... \$ 6,914,943  
9 ..... FTEs 82.00  
10 7. REGIONAL TELECOMMUNICATIONS COUNCILS  
11 For state aid:  
12 ..... \$ 1,031,848  
13 The regional telecommunications councils established  
14 in section 8D.5 shall use the moneys appropriated in  
15 this subsection to provide technical assistance for  
16 network classrooms, planning and troubleshooting for  
17 local area networks, scheduling of video sites, and  
18 other related support activities.  
19 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS  
20 For reimbursement for vocational education  
21 expenditures made by secondary schools:  
22 ..... \$ 2,590,675  
23 Moneys appropriated in this subsection shall be used  
24 to reimburse school districts for vocational education  
25 expenditures made by secondary schools to meet the  
26 standards set in sections 256.11, 258.4, and 260C.14.  
27 9. SCHOOL FOOD SERVICE  
28 For use as state matching funds for federal  
29 programs that shall be disbursed according to federal  
30 regulations, including salaries, support, maintenance,  
31 miscellaneous purposes, and for not more than the  
32 following full-time equivalent positions:  
33 ..... \$ 2,121,058  
34 ..... FTEs 20.58  
35 10. EARLY CHILDHOOD IOWA FUND ---- GENERAL AID  
36 For deposit in the school ready children grants  
37 account of the early childhood Iowa fund created in  
38 section 256I.11:  
39 ..... \$ 5,550,606  
40 a. From the moneys deposited in the school ready  
41 children grants account for the fiscal year beginning  
42 July 1, 2011, and ending June 30, 2012, not more than  
43 \$265,950 is allocated for the early childhood Iowa  
44 office and other technical assistance activities. The  
45 early childhood Iowa state board shall direct staff to  
46 work with the early childhood stakeholders alliance  
47 created in section 256I.12 to inventory technical  
48 assistance needs. Moneys allocated under this lettered  
49 paragraph may be used by the early childhood Iowa state  
50 board for the purpose of skills development and support

1 for ongoing training of staff. However, except as  
2 otherwise provided in this subsection, moneys shall not  
3 be used for additional staff or for the reimbursement  
4 of staff.

5 b. As a condition of receiving moneys appropriated  
6 in this subsection, each early childhood Iowa area  
7 board shall report to the early childhood Iowa state  
8 board progress on each of the local indicators approved  
9 by the area board. Each early childhood Iowa area  
10 board must also submit an annual budget for the area's  
11 comprehensive school ready children grant developed for  
12 providing services for children from birth through five  
13 years of age, and provide other information specified  
14 by the early childhood Iowa state board, including  
15 budget amendments as needed. The early childhood Iowa  
16 state board shall establish a submission deadline for  
17 the annual budget and any budget amendments that allow  
18 a reasonable period of time for preparation by the  
19 early childhood Iowa area boards and for review and  
20 approval or request for modification of the materials  
21 by the early childhood Iowa state board. In addition,  
22 each early childhood Iowa area board must continue to  
23 comply with reporting provisions and other requirements  
24 adopted by the early childhood Iowa state board in  
25 implementing section 256I.9.

26 c. Of the amount appropriated in this subsection  
27 for deposit in the school ready children grants account  
28 of the early childhood Iowa fund, \$2,318,018 shall  
29 be used for efforts to improve the quality of early  
30 care, health, and education programs. Moneys allocated  
31 pursuant to this paragraph may be used for additional  
32 staff and for the reimbursement of staff. The early  
33 childhood Iowa state board may reserve a portion of the  
34 allocation, not to exceed \$88,650, for the technical  
35 assistance expenses of the early childhood Iowa state  
36 office, including the reimbursement of staff, and  
37 shall distribute the remainder to early childhood Iowa  
38 areas for local quality improvement efforts through  
39 a methodology identified by the early childhood Iowa  
40 state board to make the most productive use of the  
41 funding, which may include use of the distribution  
42 formula, grants, or other means.

43 d. Of the amount appropriated in this subsection  
44 for deposit in the school ready children grants account  
45 of the early childhood Iowa fund, \$825,030 shall  
46 be used for support of professional development and  
47 training activities for persons working in early care,  
48 health, and education by the early childhood Iowa  
49 state board in collaboration with the professional  
50 development component group of the early childhood

1 Iowa stakeholders alliance maintained pursuant to  
2 section 256I.12, subsection 7, paragraph "b", and the  
3 early childhood Iowa area boards. Expenditures shall  
4 be limited to professional development and training  
5 activities agreed upon by the parties participating in  
6 the collaboration.

7 11. EARLY CHILDHOOD IOWA FUND ---- PRESCHOOL TUITION  
8 ASSISTANCE

9 a. For deposit in the school ready children grants  
10 account of the early childhood Iowa fund created in  
11 section 256I.11:

12 ..... \$ 7,346,595

13 b. The amount appropriated in this subsection shall  
14 be used for early care, health, and education programs  
15 to assist low-income parents with tuition for preschool  
16 and other supportive services for children ages three,  
17 four, and five who are not attending kindergarten in  
18 order to increase the basic family income eligibility  
19 requirement to not more than 200 percent of the federal  
20 poverty level. In addition, if sufficient funding is  
21 available after addressing the needs of those who meet  
22 the basic income eligibility requirement, an early  
23 childhood Iowa area board may provide for eligibility  
24 for those with a family income in excess of the basic  
25 income eligibility requirement through use of a sliding  
26 scale or other copayment provisions.

27 12. EARLY CHILDHOOD IOWA FUND ---- FAMILY SUPPORT AND  
28 PARENT EDUCATION

29 a. For deposit in the school ready children grants  
30 account of the early childhood Iowa fund created in  
31 section 256I.11:

32 ..... \$ 12,742,046

33 b. The amount appropriated in this subsection  
34 shall be used for family support services and parent  
35 education programs targeted to families expecting a  
36 child or with newborn and infant children through age  
37 five and shall be distributed using the distribution  
38 formula approved by the early childhood Iowa state  
39 board and shall be used by an early childhood Iowa  
40 area board only for family support services and parent  
41 education programs targeted to families expecting a  
42 child or with newborn and infant children through age  
43 five.

44 13. BIRTH TO AGE THREE SERVICES

45 For expansion of the federal Individuals with  
46 Disabilities Education Improvement Act of 2004, Pub.  
47 L. No. 108-446, as amended to January 1, 2011, birth  
48 through age three services due to increased numbers of  
49 children qualifying for those services:

50 ..... \$ 1,721,400

1 From the moneys appropriated in this subsection,  
 2 \$383,769 shall be allocated to the child health  
 3 specialty clinic at the state university of Iowa to  
 4 provide additional support for infants and toddlers  
 5 who are born prematurely, drug-exposed, or medically  
 6 fragile.

7 14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

8 To provide moneys for costs of providing textbooks  
 9 to each resident pupil who attends a nonpublic school  
 10 as authorized by section 301.1:

11 ..... \$ 582,181

12 Funding under this subsection is limited to \$20 per  
 13 pupil and shall not exceed the comparable services  
 14 offered to resident public school pupils.

15 15. BEGINNING ADMINISTRATOR MENTORING AND INDUCTION  
 16 PROGRAM

17 For purposes of administering the beginning  
 18 administrator mentoring and induction program  
 19 established pursuant to chapter 284A:

20 ..... \$ 189,050

21 16. CORE CURRICULUM AND CAREER INFORMATION AND  
 22 DECISION-MAKING SYSTEM

23 For purposes of implementing the statewide core  
 24 curriculum for school districts and accredited  
 25 nonpublic schools and a state-designated career  
 26 information and decision-making system:

27 ..... \$ 1,842,052

28 17. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

29 For purposes of the student achievement and teacher  
 30 quality program established pursuant to chapter  
 31 284, and for not more than the following full-time  
 32 equivalent positions:

33 ..... \$ 6,576,638

34 ..... FTEs 2.00

35 18. COMMUNITY COLLEGES

36 a. For general state financial aid to merged  
 37 areas as defined in section 260C.2 in accordance with  
 38 chapters 258 and 260C:

39 ..... \$168,774,647

40 Notwithstanding the allocation formula in section  
 41 260C.18C, the funds appropriated in this subsection  
 42 shall be allocated as follows:

|    |                           |               |
|----|---------------------------|---------------|
| 43 | (1) Merged Area I .....   | \$ 8,380,170  |
| 44 | (2) Merged Area II .....  | \$ 8,811,966  |
| 45 | (3) Merged Area III ..... | \$ 8,104,003  |
| 46 | (4) Merged Area IV .....  | \$ 3,983,587  |
| 47 | (5) Merged Area V .....   | \$ 9,385,889  |
| 48 | (6) Merged Area VI .....  | \$ 7,762,119  |
| 49 | (7) Merged Area VII ..... | \$ 11,639,931 |
| 50 | (8) Merged Area IX .....  | \$ 14,528,717 |

1 (9) Merged Area X ..... \$ 26,045,064  
2 (10) Merged Area XI ..... \$ 26,668,472  
3 (11) Merged Area XII ..... \$ 9,502,706  
4 (12) Merged Area XIII ..... \$ 9,902,968  
5 (13) Merged Area XIV ..... \$ 4,049,886  
6 (14) Merged Area XV ..... \$ 12,688,722  
7 (15) Merged Area XVI ..... \$ 7,320,447  
8 b. For distribution to community colleges to  
9 supplement faculty salaries:  
10 ..... \$ 825,012  
11 c. COMMUNITY COLLEGE WORKFORCE TRAINING AND  
12 ECONOMIC DEVELOPMENT FUNDS  
13 For deposit in the workforce training and economic  
14 development funds created pursuant to section 260C.18A:  
15 ..... \$ 10,000,000  
16 Sec. 6. BOARD OF EDUCATIONAL EXAMINERS LICENSING  
17 FEES. Notwithstanding section 272.10, subsection  
18 2, in addition to the percentage of licensing fees  
19 required to be deposited with the treasurer of state  
20 and credited to the general fund of the state pursuant  
21 to section 272.10, subsection 2, the executive director  
22 of the board of educational examiners shall, at the  
23 close of the fiscal year beginning July 1, 2010,  
24 transfer the amount of \$523,098 to the college student  
25 aid commission for purposes of providing national guard  
26 educational assistance under the program established  
27 in section 261.86. Notwithstanding section 8.33,  
28 funds transferred for purposes of this section which  
29 remain unencumbered or unobligated at the close of the  
30 fiscal year ending June 30, 2012, shall not revert but  
31 shall be available for expenditure for the fiscal year  
32 beginning July 1, 2012, for purposes of section 261.86.  
33 Sec. 7. DEPARTMENT OF EDUCATION TRANSFERS. There  
34 is transferred between the following designated  
35 appropriations made to the department of education for  
36 the fiscal year beginning July 1, 2010, and ending June  
37 30, 2011, not more than the following amounts:  
38 From the appropriation made for purposes of the  
39 student achievement and teacher quality program in 2010  
40 Iowa Acts, chapter 1183, section 6, subsection 18, as  
41 follows:  
42 1. To the appropriation made for purposes of  
43 vocational education administration in 2010 Iowa Acts,  
44 chapter 1183, section 6, subsection 2:  
45 ..... \$ 110,521  
46 2. To the appropriation made for purposes of  
47 vocational education to secondary schools in 2010 Iowa  
48 Acts, chapter 1183, section 6, subsection 8:  
49 ..... \$ 39,458  
50 3. To the appropriation made for purposes of school

1 food service in 2010 Iowa Acts, chapter 1183, section  
2 6, subsection 9:

3 ..... \$ 55,739

4 STATE BOARD OF REGENTS

5 Sec. 8. There is appropriated from the general fund  
6 of the state to the state board of regents for the  
7 fiscal year beginning July 1, 2011, and ending June 30,  
8 2012, the following amounts, or so much thereof as may  
9 be necessary, to be used for the purposes designated:

10 1. OFFICE OF STATE BOARD OF REGENTS

11 a. For salaries, support, maintenance,  
12 miscellaneous purposes, and for not more than the  
13 following full-time equivalent positions:

14 ..... \$ 1,105,123

15 ..... FTEs 15.00

16 (1) The state board of regents shall submit a  
17 monthly financial report in a format agreed upon by  
18 the state board of regents office and the legislative  
19 services agency.

20 (2) The state board of regents may transfer funding  
21 received under paragraphs "b", "c", and "d" to any  
22 of the centers specified in paragraph "b", "c", or  
23 "d" if the board notifies the general assembly in  
24 writing, including both the legislative council and the  
25 legislative services agency, of the amount, the date,  
26 and the purpose of the transfer.

27 b. For moneys to be allocated to the southwest Iowa  
28 graduate studies center:

29 ..... \$ 90,766

30 c. For moneys to be allocated to the siouxland  
31 interstate metropolitan planning council for the  
32 tristate graduate center under section 262.9,  
33 subsection 22:

34 ..... \$ 69,110

35 d. For moneys to be allocated to the quad-cities  
36 graduate studies center:

37 ..... \$ 134,665

38 e. For moneys to be distributed to Iowa public  
39 radio for public radio operations:

40 ..... \$ 406,318

41 2. STATE UNIVERSITY OF IOWA

42 a. General university, including lakeside  
43 laboratory

44 For salaries, support, maintenance, equipment,  
45 miscellaneous purposes, and for not more than the  
46 following full-time equivalent positions:

47 ..... \$217,638,034

48 ..... FTEs 5,058.55

49 b. Oakdale campus

50 For salaries, support, maintenance, miscellaneous

1 purposes, and for not more than the following full-time  
2 equivalent positions:

|         |      |           |
|---------|------|-----------|
| 3 ..... | \$   | 2,268,925 |
| 4 ..... | FTEs | 38.25     |

5 c. State hygienic laboratory  
6 For salaries, support, maintenance, miscellaneous  
7 purposes, and for not more than the following full-time  
8 equivalent positions:

|          |      |           |
|----------|------|-----------|
| 9 .....  | \$   | 3,669,943 |
| 10 ..... | FTEs | 102.50    |

11 d. Family practice program  
12 For allocation by the dean of the college of  
13 medicine, with approval of the advisory board, to  
14 qualified participants to carry out the provisions  
15 of chapter 148D for the family practice program,  
16 including salaries and support, and for not more than  
17 the following full-time equivalent positions:

|          |      |           |
|----------|------|-----------|
| 18 ..... | \$   | 1,855,628 |
| 19 ..... | FTEs | 190.40    |

20 e. Child health care services  
21 For specialized child health care services,  
22 including childhood cancer diagnostic and treatment  
23 network programs, rural comprehensive care for  
24 hemophilia patients, and the Iowa high-risk infant  
25 follow-up program, including salaries and support, and  
26 for not more than the following full-time equivalent  
27 positions:

|          |      |         |
|----------|------|---------|
| 28 ..... | \$   | 684,297 |
| 29 ..... | FTEs | 57.97   |

30 f. Statewide cancer registry  
31 For the statewide cancer registry, and for not more  
32 than the following full-time equivalent positions:

|          |      |         |
|----------|------|---------|
| 33 ..... | \$   | 154,666 |
| 34 ..... | FTEs | 2.10    |

35 g. Substance abuse consortium  
36 For moneys to be allocated to the Iowa consortium  
37 for substance abuse research and evaluation, and  
38 for not more than the following full-time equivalent  
39 position:

|          |      |        |
|----------|------|--------|
| 40 ..... | \$   | 57,621 |
| 41 ..... | FTEs | 1.00   |

42 h. Center for biocatalysis  
43 For the center for biocatalysis, and for not more  
44 than the following full-time equivalent positions:

|          |      |         |
|----------|------|---------|
| 45 ..... | \$   | 750,990 |
| 46 ..... | FTEs | 6.28    |

47 i. Primary health care initiative  
48 For the primary health care initiative in the  
49 college of medicine, and for not more than the  
50 following full-time equivalent positions:

1 ..... \$ 673,375  
2 ..... FTEs 5.89  
3 From the moneys appropriated in this lettered  
4 paragraph, \$254,889 shall be allocated to the  
5 department of family practice at the state university  
6 of Iowa college of medicine for family practice faculty  
7 and support staff.  
8 j. Birth defects registry  
9 For the birth defects registry, and for not more  
10 than the following full-time equivalent position:  
11 ..... \$ 39,730  
12 ..... FTEs 1.00  
13 k. Larned A. Waterman Iowa nonprofit resource  
14 center  
15 For the Larned A. Waterman Iowa nonprofit resource  
16 center, and for not more than the following full-time  
17 equivalent positions:  
18 ..... \$ 168,662  
19 ..... FTEs 2.75  
20 l. Iowa online advance placement academy science,  
21 technology, engineering, and mathematics initiative  
22 For the establishment of the Iowa online advance  
23 placement academy science, technology, engineering, and  
24 mathematics initiative:  
25 ..... \$ 500,000  
26 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY  
27 a. General university  
28 For salaries, support, maintenance, equipment,  
29 miscellaneous purposes, and for not more than the  
30 following full-time equivalent positions:  
31 ..... \$170,536,017  
32 ..... FTEs 3,647.42  
33 b. Agricultural experiment station  
34 For the agricultural experiment station salaries,  
35 support, maintenance, miscellaneous purposes, and  
36 for not more than the following full-time equivalent  
37 positions:  
38 ..... \$ 29,170,840  
39 ..... FTEs 546.98  
40 c. Cooperative extension service in agriculture and  
41 home economics  
42 For the cooperative extension service in agriculture  
43 and home economics salaries, support, maintenance,  
44 miscellaneous purposes, and for not more than the  
45 following full-time equivalent positions:  
46 ..... \$ 18,612,391  
47 ..... FTEs 383.34  
48 d. Leopold center  
49 For agricultural research grants at Iowa state  
50 university of science and technology under section

1 266.39B, and for not more than the following full-time  
2 equivalent positions:  
3 ..... \$ 412,388  
4 ..... FTEs 11.25  
5 e. Livestock disease research  
6 For deposit in and the use of the livestock disease  
7 research fund under section 267.8:  
8 ..... \$ 179,356  
9 4. UNIVERSITY OF NORTHERN IOWA  
10 a. General university  
11 For salaries, support, maintenance, equipment,  
12 miscellaneous purposes, and for not more than the  
13 following full-time equivalent positions:  
14 ..... \$ 77,549,809  
15 ..... FTEs 1,447.50  
16 b. Recycling and reuse center  
17 For purposes of the recycling and reuse center, and  
18 for not more than the following full-time equivalent  
19 positions:  
20 ..... \$ 181,858  
21 ..... FTEs 3.00  
22 c. Science, technology, engineering, and  
23 mathematics (STEM) collaborative initiative  
24 For purposes of establishing a science, technology,  
25 engineering, and mathematics (STEM) collaborative  
26 initiative, and for not more than the following  
27 full-time equivalent positions:  
28 ..... \$ 1,800,000  
29 ..... FTEs 6.20  
30 (1) From the moneys appropriated in this lettered  
31 paragraph, up to \$282,000 shall be allocated for  
32 salaries, staffing, and institutional support. The  
33 remainder of the moneys appropriated in this lettered  
34 paragraph shall be expended only to support activities  
35 directly related to recruitment of kindergarten  
36 through grade 12 mathematics and science teachers and  
37 for ongoing mathematics and science programming for  
38 students enrolled in kindergarten through grade 12.  
39 (2) The university of northern Iowa shall work with  
40 the community colleges to develop STEM professional  
41 development programs for community college instructors  
42 and STEM curriculum development.  
43 d. Real estate education program  
44 For purposes of the real estate education program,  
45 and for not more than the following full-time  
46 equivalent position:  
47 ..... \$ 130,022  
48 ..... FTEs 1.00  
49 5. STATE SCHOOL FOR THE DEAF  
50 For salaries, support, maintenance, miscellaneous

1 purposes, and for not more than the following full-time  
2 equivalent positions:  
3 ..... \$ 8,679,964  
4 ..... FTEs 126.60  
5 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL  
6 For salaries, support, maintenance, miscellaneous  
7 purposes, and for not more than the following full-time  
8 equivalent positions:  
9 ..... \$ 3,622,320  
10 ..... FTEs 62.87  
11 7. TUITION AND TRANSPORTATION COSTS  
12 For payment to local school boards for the tuition  
13 and transportation costs of students residing in the  
14 Iowa braille and sight saving school and the state  
15 school for the deaf pursuant to section 262.43 and  
16 for payment of certain clothing, prescription, and  
17 transportation costs for students at these schools  
18 pursuant to section 270.5:  
19 ..... \$ 12,206  
20 8. LICENSED CLASSROOM TEACHERS  
21 For distribution at the Iowa braille and sight  
22 saving school and the Iowa school for the deaf based  
23 upon the average yearly enrollment at each school as  
24 determined by the state board of regents:  
25 ..... \$ 85,140  
26 Sec. 9. ENERGY COST-SAVINGS PROJECTS ----  
27 FINANCING. For the fiscal year beginning July 1,  
28 2011, and ending June 30, 2012, the state board of  
29 regents may use notes, bonds, or other evidences of  
30 indebtedness issued under section 262.48 to finance  
31 projects that will result in energy cost savings in an  
32 amount that will cause the state board to recover the  
33 cost of the projects within an average of six years.  
34 Sec. 10. PRESCRIPTION DRUG COSTS. Notwithstanding  
35 section 270.7, the department of administrative  
36 services shall pay the state school for the deaf and  
37 the Iowa braille and sight saving school the moneys  
38 collected from the counties during the fiscal year  
39 beginning July 1, 2011, for expenses relating to  
40 prescription drug costs for students attending the  
41 state school for the deaf and the Iowa braille and  
42 sight saving school.  
43 Sec. 11. Section 256I.9, subsection 2, Code 2011,  
44 is amended to read as follows:  
45 2. The state board shall provide maximum  
46 flexibility to grantees for the use of the grant  
47 moneys included in a school ready children grant,  
48 including but not limited to authorizing an area board  
49 to use grant moneys to pay for regular audits required  
50 pursuant to section 256I.5, subsection 1, if moneys

1 distributed to an area board for administrative costs  
2 are insufficient to pay for the required audits.

3 Sec. 12. Section 256I.9, subsection 3, paragraph  
4 b, Code 2011, is amended by adding the following new  
5 unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH It is the intent  
7 of the general assembly that priority for home  
8 visitation program funding be given to programs using  
9 evidence-based or promising models for home visitation.

10 Sec. 13. Section 257.11, subsection 5, Code 2011,  
11 is amended by striking the subsection.

12 Sec. 14. Section 261.6, subsection 2, Code 2011, is  
13 amended by adding the following new paragraph:

14 NEW PARAGRAPH. d. (1) Is a resident of Iowa; is,  
15 notwithstanding subsection 3, paragraph "c", under the  
16 age of twenty-six; is not a convicted felon as defined  
17 in section 910.15; and meets the following criteria:

18 (a) Is the child of a peace officer, as defined  
19 in section 97A.1, who is permanently and totally  
20 disabled and who receives benefits under section  
21 97A.6, subsection 5, or was killed in the line of duty  
22 as determined by the board of trustees of the Iowa  
23 department of public safety peace officers' retirement,  
24 accident, and disability system in accordance with  
25 section 97A.6, subsection 16.

26 (b) Is the child of a police officer or a  
27 fire fighter, as defined in section 411.1, who is  
28 permanently and totally disabled and who receives  
29 benefits under section 411.6, subsection 5, or  
30 was killed in the line of duty as determined by  
31 the statewide fire and police retirement system in  
32 accordance with section 411.6, subsection 15.

33 (c) Is the child of a person described as a peace  
34 officer under section 97B.49B or is the child of  
35 a sheriff or deputy sheriff as defined in section  
36 97B.49C, who is permanently and totally disabled and  
37 who receives an in-service disability retirement  
38 allowance under section 97B.50A, subsection 2, or is  
39 killed in the line of duty as determined by the Iowa  
40 public employees' retirement system in accordance with  
41 section 97B.52, subsection 2.

42 (2) If a student receives financial aid under any  
43 other federal, state, or institutional scholarship or  
44 grant program, the full amount of the other financial  
45 aid shall be applied to the student's expenses first  
46 and shall be considered part of the student's available  
47 financial resources in determining the amount of the  
48 student's award under this paragraph "d". The total  
49 financial aid for the student's education, including  
50 financial aid under any other program, shall not exceed

1 the student's cost of attendance at the institution  
2 which the student attends.

3 (3) For purposes of this paragraph "d":

4 (a) "Approved postsecondary education or training  
5 program" means a program offered by an Iowa community  
6 college or institution of higher education governed by  
7 the state board of regents.

8 (b) "Permanently and totally disabled" means the  
9 individual is unable to engage in any substantial  
10 gainful activity by reason of a medically determinable  
11 physical impairment which can be expected to last  
12 for a continuous period or can be expected to result  
13 in death. A certificate from a qualified physician  
14 attesting to the individual's permanent and total  
15 disability must be submitted to the commission. The  
16 certificate must include the name and address of  
17 the physician and contain an acknowledgment that the  
18 certificate will be used by the individual to qualify  
19 for educational assistance pursuant to this section.

20 Sec. 15. Section 261.19, Code 2011, is amended to  
21 read as follows:

22 261.19 ~~Osteopathic physician~~ Health care  
23 professional recruitment program.

24 1. A ~~physician~~ physician health care professional recruitment  
25 program is established, to be administered by the  
26 college student aid commission, for Des Moines  
27 university ~~----- osteopathic medical center.~~ The  
28 program shall consist of a ~~forgivable loan program~~  
29 ~~and a tuition scholarship program for students and~~  
30 ~~a loan repayment program for physicians health care~~  
31 professionals. The commission shall regularly adjust  
32 the ~~physician~~ physician service requirement under each aspect  
33 of the program to provide, to the extent possible,  
34 an equal financial benefit for each period of service  
35 required.

36 2.-a. ~~Notwithstanding the administration~~  
37 ~~provisions of subsection 1, the forgivable loan~~  
38 ~~program established pursuant to subsection 1 shall be~~  
39 ~~administered by the commission in conjunction with Des~~  
40 ~~Moines university ----- osteopathic medical center. Des~~  
41 ~~Moines university ----- osteopathic medical center shall~~  
42 ~~match on an equal basis state aid appropriated for~~  
43 ~~purposes of the forgivable loan program.~~

44 b. ~~Des Moines university ----- osteopathic medical~~  
45 ~~center shall provide recommendations to the commission~~  
46 ~~for students who meet the eligibility requirements of~~  
47 ~~the forgivable loan program. A forgivable loan may~~  
48 ~~be awarded to a resident of Iowa who is enrolled at~~  
49 ~~Des Moines university ----- osteopathic medical center~~  
50 ~~if the student agrees to practice in this state for~~

~~1 a period of time to be determined by the commission  
2 at the time the loan is awarded. Forgivable loans to  
3 eligible students shall not become due until after the  
4 student completes a residency program. Interest on  
5 the loans shall begin to accrue the day following the  
6 student's graduation date. If the student completes  
7 the period of practice established by the commission  
8 and agreed to by the student, the loan amount shall  
9 be forgiven. The loan amount shall not be forgiven  
10 if the osteopathic physician fails to complete the  
11 required time period of practice in this state or fails  
12 to satisfactorily continue in the university's program  
13 of medical education.~~

~~14 3. A student enrolled at Des Moines university  
15 -----osteopathic medical center shall be eligible for  
16 a tuition scholarship for the student's study at the  
17 university. The scholarship shall be for an amount  
18 not to exceed the annual tuition at the university. A  
19 student who receives a tuition scholarship shall not  
20 be eligible for the loan repayment program provided  
21 for by this section. A student who receives a tuition  
22 scholarship shall agree to practice in an eligible  
23 rural community in this state for a period of time  
24 to be determined by the commission at the time the  
25 scholarship is awarded. The student shall repay the  
26 scholarship to the commission if the student fails to  
27 practice in a medically underserved rural community in  
28 this state for the required period of time.~~

~~29 4. A physician health care professional shall be  
30 eligible for the physician loan repayment program  
31 if the physician health care professional agrees  
32 to practice in an eligible rural community in this  
33 state. Des Moines university -----osteopathic medical  
34 center shall recruit and place physicians health  
35 care professionals in rural communities which have  
36 agreed to provide additional funds for the physician's  
37 recipient's loan repayment. The contract for the  
38 loan repayment shall stipulate the time period the  
39 physician recipient shall practice in an eligible rural  
40 community in this state. In addition, the contract  
41 shall stipulate that the physician recipient repay any  
42 funds paid on the physician's recipient's loan by the  
43 commission if the physician recipient fails to practice  
44 in an eligible rural community in this state for the  
45 required period of time.~~

~~46 3. A health care professional recruitment revolving  
47 fund is created in the state treasury as a separate  
48 fund under the control of the commission. The  
49 commission shall deposit payments made by health care  
50 professional recruitment program recipients and the~~

1 proceeds from the sale of osteopathic loans awarded  
2 pursuant to section 261.19, subsection 2, paragraph  
3 "b", Code 2011, into the health care professional  
4 recruitment revolving fund. Moneys credited to the  
5 fund shall be used to supplement moneys appropriated  
6 for the health care professional recruitment program,  
7 for loan repayment in accordance with this section,  
8 and to pay for loan or interest repayment defaults by  
9 program recipients. Notwithstanding section 8.33, any  
10 balance in the fund on June 30 of any fiscal year shall  
11 not revert to the general fund of the state.

12 4. For purposes of this subsection, "eligible  
13 section:

14 a. "Eligible rural community" means a medically  
15 underserved rural community which agrees to match  
16 state funds provided on at least a dollar-for-dollar  
17 basis for the loan repayment of a physician health care  
18 professional who practices in the community.

19 b. "Health care professional" means a physician,  
20 physician assistant, podiatrist, or physical therapist.

21 5. The commission shall adopt rules pursuant to  
22 chapter 17A to administer this section.

23 Sec. 16. Section 261.25, subsections 2 and 3, Code  
24 2011, are amended to read as follows:

25 2. There is appropriated from the general fund  
26 of the state to the commission for each fiscal year  
27 the sum of four million six hundred fifty thousand  
28 four hundred eighty-seven dollars for tuition grants  
29 for students attending for-profit accredited private  
30 institutions located in Iowa. A for-profit institution  
31 which, effective March 9, 2005, or effective January  
32 8, 2010, purchased an accredited private institution  
33 that was exempt from taxation under section 501(c)  
34 of the Internal Revenue Code, shall be an eligible  
35 institution under the tuition grant program. For  
36 purposes of the tuition grant program, "for-profit  
37 accredited private institution" means an accredited  
38 private institution which is not exempt from taxation  
39 under section 501(c)(3) of the Internal Revenue Code  
40 but which otherwise meets the requirements of section  
41 261.9, subsection 1, paragraph "b", and whose students  
42 were eligible to receive tuition grants in the fiscal  
43 year beginning July 1, 2003.

44 3. There is appropriated from the general fund  
45 of the state to the commission for each fiscal year  
46 the sum of two million ~~four~~ three hundred ~~thirteen~~  
47 ~~thirty-eight~~ thousand ~~nine~~ four hundred ~~fifty-nine~~  
48 ~~twenty-one~~ dollars for vocational-technical tuition  
49 grants.

50 Sec. 17. Section 261E.3, subsection 1, paragraph e,

1 Code 2011, is amended to read as follows:

2 e. The student shall have demonstrated proficiency  
3 in reading, mathematics, and science as evidenced by  
4 achievement scores on the latest administration of  
5 the state assessment for which scores are available  
6 and as defined by the department. However, a student  
7 receiving competent private instruction under chapter  
8 299A may demonstrate proficiency by submitting the  
9 written recommendation of the licensed practitioner  
10 providing supervision to the student in accordance  
11 with section 299A.2; may demonstrate proficiency  
12 as evidenced by achievement scores on the annual  
13 achievement evaluation required under section 299A.4;  
14 or may demonstrate proficiency as evidenced by a  
15 selection index, which is the sum of the critical  
16 reading, mathematics, and writing skills assessments,  
17 of at least one hundred forty-one on the preliminary  
18 scholastic aptitude test administered by the college  
19 board; a composite score of at least twenty-one on  
20 the college readiness assessment administered by ACT,  
21 inc.; or a sum of the critical reading and mathematics  
22 scores of at least nine hundred ninety on the college  
23 readiness assessment administered by the college board.

24 If a student is not proficient in one or more of the  
25 content areas listed in this paragraph, has not taken  
26 the college readiness assessments identified in this  
27 paragraph, or has not achieved the scores specified  
28 in this paragraph, the school board may establish  
29 alternative but equivalent qualifying performance  
30 measures including but not limited to additional  
31 administrations of the state assessment, portfolios  
32 of student work, student performance rubric, or  
33 end-of-course assessments.

34 Sec. 18. Section 261E.9, subsections 1 through 3,  
35 Code 2011, are amended to read as follows:

36 1. a. A regional academy is a program established  
37 by a school district to which multiple school districts  
38 send students in grades ~~nine~~ seven through twelve,  
39 ~~and which may include internet based coursework~~  
40 ~~and courses delivered via the Iowa communications~~  
41 ~~network. A regional academy shall include in its~~  
42 ~~curriculum advanced level courses and may include~~  
43 ~~in its curriculum career and technical courses. A~~  
44 school district establishing a regional academy may  
45 collaborate and partner with, enter into an agreement  
46 pursuant to chapter 28E with, or enter into a contract  
47 with, one or more school districts, area education  
48 agencies, community colleges, accredited public  
49 and private postsecondary institutions, accredited  
50 nonpublic schools, businesses, and private agencies

1 located within or outside of the state.

2 b. The purpose of a regional academy established  
3 pursuant to this section shall be to build a culture  
4 of innovation for students and community, to diversify  
5 educational and economic opportunities by engaging in  
6 learning experiences that involve students in complex,  
7 real-world projects, and to develop regional or global  
8 innovation networks.

9 c. If a school district establishing a regional  
10 academy in accordance with this section submits a plan  
11 to the department for approval that demonstrates how  
12 the regional academy will increase and assess student  
13 achievement or increase and assess competency-based  
14 learning opportunities for students, the department may  
15 waive or modify any statutory or regulatory provision  
16 applicable to school districts except the department  
17 shall not waive or modify any statutory or regulatory  
18 provision relating to requirements applicable to school  
19 districts under chapters 11, 21, 22, 216, 216A, 256B,  
20 279, 284, and 285; or relating to contracts with and  
21 discharge of teachers and administrators under chapters  
22 20 and 279; or relating to audit requirements under  
23 section 256.9, subsection 20, and section 279.29.

24 2. a. A regional academy ~~course~~ shall ~~not~~ qualify  
25 as a ~~concurrent enrollment course~~ include in its  
26 curriculum advanced level courses.

27 b. A regional academy may include in its curriculum  
28 virtual or internet-based coursework and courses  
29 delivered via the Iowa communications network, career  
30 and technical courses, core curriculum coursework,  
31 courses required pursuant to section 256.7, subsection  
32 26, or section 256.11, subsections 4 and 5, and  
33 asynchronous learning networks.

34 3. School districts participating in regional  
35 academies are eligible for supplementary weighting as  
36 provided in section 257.11, subsection 2. The school  
37 districts participating in the regional academy shall  
38 enter into an agreement on how the funding generated  
39 by the supplementary weighting received shall be used  
40 and shall submit the agreement to the department for  
41 approval.

42 Sec. 19. Section 262.13, Code 2011, is amended to  
43 read as follows:

44 262.13 ~~Security~~ Peace officers at institutions as  
45 ~~peace officers~~.

46 The board may authorize any institution under its  
47 control to commission one or more of its employees  
48 as ~~special security~~ peace officers. ~~Special security~~  
49 ~~officers~~ Such officers shall have the same powers,  
50 duties, privileges, and immunities ~~of~~ as conferred on

1 regular peace officers ~~when acting in the interests~~  
2 ~~of the institution by which they are employed.~~ The  
3 board shall provide as rapidly as practicable for the  
4 adequate training and certification of such ~~special~~  
5 ~~security~~ peace officers at the Iowa law enforcement  
6 ~~academy or in an equivalent at a law enforcement~~  
7 ~~training program~~ school approved by the academy, unless  
8 ~~they have the peace officers are already received such~~  
9 ~~training~~ certified by the Iowa law enforcement academy  
10 or by an approved law enforcement training school.

11 Sec. 20. Section 263.8A, Code 2011, is amended to  
12 read as follows:

13 263.8A International center for talented and gifted  
14 education ---- Iowa online advanced placement academy  
15 science, technology, engineering, and mathematics  
16 initiative.

17 1. a. The state board of regents shall establish  
18 and maintain at Iowa City as an integral part of the  
19 state university of Iowa the international center for  
20 talented and gifted education. The international  
21 center shall provide programs to assist classroom  
22 teachers to teach gifted and talented students in  
23 regular classrooms, provide programs to enhance the  
24 learning experiences of gifted and talented students,  
25 serve as a center for national and international  
26 symposiums and policy forums for enhancing the teaching  
27 of gifted and talented students, and undertake other  
28 appropriate activities to enhance the programs of the  
29 center, including, but not limited to, coordinating and  
30 working with the world council for gifted and talented  
31 children, incorporated.

32 b. An international center endowment fund is  
33 established at the state university of Iowa and gifts  
34 and grants to the international center and investment  
35 earnings and returns on the endowment fund shall be  
36 deposited in the fund and may be expended by the state  
37 university of Iowa for the purposes for which the  
38 international center was established.

39 2. The Iowa online advanced placement academy  
40 science, technology, engineering, and mathematics  
41 initiative is established within the international  
42 center for talented and gifted education at the state  
43 university of Iowa to deliver, with an emphasis on  
44 science, technology, engineering, and mathematics  
45 coursework, preadvanced placement and advanced  
46 placement courses to high school students throughout  
47 the state, provide training opportunities for teachers  
48 to learn how to teach advanced placement courses in  
49 Iowa's high schools, and provide preparation for middle  
50 school students to ensure success in high school.

1 Sec. 21. Section 273.7A, unnumbered paragraph 1,  
2 Code 2011, is amended to read as follows:

3 The board of an area education agency may provide  
4 services to school districts located in the area  
5 education agency under contract with the school  
6 districts. These services may include, but are not  
7 limited to, superintendency services, personnel  
8 services, business management services, purchasing  
9 services, specialized maintenance services, and  
10 transportation services. In addition, the board of  
11 the area education agency may provide for furnishing  
12 expensive and specialized equipment for school  
13 districts. School districts shall pay to area  
14 education agencies the cost of providing the services.

15 Sec. 22. Section 284.13, subsection 1, paragraphs a  
16 through d, Code 2011, are amended to read as follows:

17 a. For the fiscal year beginning July 1, ~~2010~~ 2011,  
18 and ending June 30, ~~2011~~ 2012, to the department of  
19 education, the amount of ~~nine~~ six hundred ~~sixty-four~~  
20 eighty-five thousand dollars for the issuance of  
21 national board certification awards in accordance  
22 with section 256.44. Of the amount allocated under  
23 this paragraph, not less than ~~seventy-six~~ eighty-five  
24 ~~thousand five hundred~~ dollars shall be used to  
25 administer the ambassador to education position in  
26 accordance with section 256.45.

27 b. For the fiscal year beginning July 1, ~~2010~~ 2011,  
28 and ~~succeeding fiscal years~~ ending June 30, 2012,  
29 an amount up to ~~four~~ three million ~~one~~ five hundred  
30 ~~seven sixty-three~~ thousand ~~two hundred forty four~~  
31 hundred eight dollars for first-year and second-year  
32 beginning teachers, to the department of education for  
33 distribution to school districts and area education  
34 agencies for purposes of the beginning teacher  
35 mentoring and induction programs. A school district or  
36 area education agency shall receive one thousand three  
37 hundred dollars per beginning teacher participating in  
38 the program. If the funds appropriated for the program  
39 are insufficient to pay mentors, school districts, and  
40 area education agencies as provided in this paragraph,  
41 the department shall prorate the amount distributed  
42 to school districts and area education agencies based  
43 upon the amount appropriated. Moneys received by a  
44 school district or area education agency pursuant to  
45 this paragraph shall be expended to provide each mentor  
46 with an award of five hundred dollars per semester, at  
47 a minimum, for participation in the school district's  
48 or area education agency's beginning teacher mentoring  
49 and induction program; to implement the plan; and to  
50 pay any applicable costs of the employer's share of

1 contributions to federal social security and the Iowa  
2 public employees' retirement system or a pension and  
3 annuity retirement system established under chapter  
4 294, for such amounts paid by the district or area  
5 education agency.

6 c. For the fiscal year beginning July 1, ~~2010~~  
7 ~~2011~~, and ending June 30, ~~2011~~ 2012, up to six  
8 hundred ~~thirteen~~ ninety-five thousand ~~eight hundred~~  
9 ~~seventy-eight~~ dollars to the department for purposes  
10 of implementing the professional development program  
11 requirements of section 284.6, assistance in developing  
12 model evidence for teacher quality committees  
13 established pursuant to section 284.4, subsection 1,  
14 paragraph "c", and the evaluator training program in  
15 section 284.10. A portion of the funds allocated to  
16 the department for purposes of this paragraph may be  
17 used by the department for administrative purposes and  
18 for not more than four full-time equivalent positions.

19 d. For ~~each the~~ fiscal year in which funds are  
20 ~~appropriated for purposes of this chapter beginning~~  
21 July 1, 2011, and ending June 30, 2012, an amount up  
22 to one million six hundred ~~twenty-nine~~ thirty-three  
23 thousand ~~six~~ two hundred ~~forty-seven~~ thirty dollars  
24 to the department for the establishment of teacher  
25 development academies in accordance with section 284.6,  
26 subsection 10. A portion of the funds allocated to the  
27 department for purposes of this paragraph may be used  
28 for administrative purposes.

29 Sec. 23. Section 298.3, subsection 1, paragraph c,  
30 Code 2011, is amended to read as follows:

31 c. The purchase, lease, or lease-purchase of a  
32 ~~single unit of~~ equipment or technology exceeding five  
33 hundred dollars in value per ~~unit~~ purchase, lease,  
34 or lease-purchase transaction. Each transaction may  
35 include multiple equipment or technology units.

36 Sec. 24. Section 299A.2, Code 2011, is amended to  
37 read as follows:

38 299A.2 Competent private instruction by licensed  
39 practitioner.

40 If a licensed practitioner provides competent  
41 instruction to a school-age child ~~of compulsory~~  
42 ~~attendance age~~, the practitioner shall possess a  
43 valid license or certificate which has been issued  
44 by the state board of educational examiners under  
45 chapter 272 and which is appropriate to the ages and  
46 grade levels of the children to be taught. Competent  
47 private instruction may include, but is not limited  
48 to, a home school assistance program which provides  
49 instruction or instructional supervision offered  
50 through an accredited nonpublic school or public

1 school district by a teacher, who is employed by the  
2 accredited nonpublic school or public school district,  
3 who assists and supervises a parent, guardian, or legal  
4 custodian in providing instruction to a child. If  
5 competent private instruction is provided through a  
6 public school district, the child shall be enrolled and  
7 included in the basic enrollment of the school district  
8 as provided in section 257.6. Sections 299A.3 through  
9 299A.7 do not apply to competent private instruction  
10 provided by a licensed practitioner under this section.  
11 However, the reporting requirement contained in section  
12 299A.3, subsection 1, shall apply to competent private  
13 instruction provided by licensed practitioners that is  
14 not part of a home school assistance program offered  
15 through an accredited nonpublic school or public school  
16 district.

17 Sec. 25. Section 299A.8, Code 2011, is amended to  
18 read as follows:

19 299A.8 Dual enrollment.

20 If a parent, guardian, or legal custodian of a  
21 school-age child who is receiving competent private  
22 instruction under this chapter ~~or a child over~~  
23 ~~compulsory age who is receiving private instruction~~  
24 submits a request, the child shall also be registered  
25 in a public school for dual enrollment purposes. If  
26 the child is enrolled in a public school district for  
27 dual enrollment purposes, the child shall be permitted  
28 to participate in any academic activities in the  
29 district and shall also be permitted to participate  
30 on the same basis as public school children in any  
31 extracurricular activities available to children in  
32 the child's grade or group, and the parent, guardian,  
33 or legal custodian shall not be required to pay the  
34 costs of any annual evaluation under this chapter. If  
35 the child is enrolled for dual enrollment purposes,  
36 the child shall be included in the public school's  
37 basic enrollment under section 257.6. A pupil who is  
38 participating only in extracurricular activities shall  
39 be counted under section 257.6, subsection 1, paragraph  
40 "a", subparagraph (6). A pupil enrolled in grades nine  
41 through twelve under this section shall be counted in  
42 the same manner as a shared-time pupil under section  
43 257.6, subsection 1, paragraph "a", subparagraph (3).

44 Sec. 26. Section 299A.12, subsection 1, Code 2011,  
45 is amended to read as follows:

46 1. The board of directors of a school district ~~may~~  
47 shall expend moneys received pursuant to section 257.6,  
48 subsection 1, paragraph "a", subparagraph (5), for  
49 purposes of providing a home school assistance program.

50 Sec. 27. Section 299A.12, subsection 2, paragraphs

1 a and b, Code 2011, are amended to read as follows:

2 a. ~~Assisting~~ Instruction for students and assisting  
3 parents with instruction.

4 b. ~~Student Support services for students and~~  
5 ~~teaching-parent support services~~ teaching parents and  
6 staff support services.

7 Sec. 28. Section 299A.12, subsection 2, paragraph  
8 g, unnumbered paragraph 1, Code 2011, is amended to  
9 read as follows:

10 Resources, materials, computer software and  
11 hardware, ~~and~~ supplies, and purchased services that  
12 meet the following criteria:

13 Sec. 29. Section 299A.12, subsection 3, paragraphs  
14 b, c, e, and f, Code 2011, are amended to read as  
15 follows:

16 b. ~~Operational or maintenance costs in addition~~  
17 ~~to the cost of maintaining school district facilities~~  
18 other than those necessary to operate and maintain the  
19 program.

20 c. Capital expenditures other than equipment or  
21 facility acquisition, including the lease or rental of  
22 space to supplement existing schoolhouse facilities.

23 e. Administrative costs other than the costs  
24 necessary to administer the program.

25 f. Concurrent and dual enrollment ~~program~~ costs and  
26 postsecondary enrollment options program costs.

27 Sec. 30. Section 321.89, subsection 1, paragraph c,  
28 Code 2011, is amended to read as follows:

29 c. "Police authority" means the state patrol, any  
30 law enforcement agency of a county or city, or any  
31 ~~special security peace~~ officer employed by the state  
32 board of regents under section 262.13.

33 Sec. 31. Section 801.4, subsection 11, paragraph f,  
34 Code 2011, is amended to read as follows:

35 f. ~~Special security Peace~~ officers employed by  
36 board of regents institutions as set forth in section  
37 262.13.

38 Sec. 32. REPEAL. Section 261.19B, Code 2011, is  
39 repealed.

40 Sec. 33. EFFECTIVE UPON ENACTMENT. The section  
41 of this division of this Act transferring moneys  
42 appropriated pursuant to 2010 Iowa Acts, chapter 1183,  
43 section 6, subsection 18, being deemed of immediate  
44 importance, takes effect upon enactment.

45 Sec. 34. EFFECTIVE DATE AND APPLICABILITY. The  
46 section of this division of this Act amending section  
47 261E.9, subsections 1 through 3, takes effect July 1,  
48 2012, and is applicable to school years beginning on or  
49 after July 1, 2012.

50 Sec. 35. EFFECTIVE UPON ENACTMENT. The section

1 of this division of this Act amending section 261.6,  
2 subsection 2, being deemed of immediate importance,  
3 takes effect upon enactment.

4 Sec. 36. APPLICABILITY. The section of this  
5 division of this Act that amends section 298.3 applies  
6 to school budget years beginning on or after July 1,  
7 2011.

8 Sec. 37. RETROACTIVE APPLICABILITY. The sections  
9 of this division of this Act amending sections 299A.2  
10 and 299A.8 apply retroactively to the base year  
11 beginning July 1, 2009.

12 DIVISION II

13 LIBRARY PROVISIONS

14 Sec. 38. Section 8A.454, subsection 2, Code 2011,  
15 is amended to read as follows:

16 2. A monthly per contract administrative charge  
17 shall be assessed by the department on all health  
18 insurance plans administered by the department in which  
19 the contract holder has a state employer to pay the  
20 charge. The amount of the administrative charge shall  
21 be established by the general assembly. The department  
22 shall collect the administrative charge from each  
23 department utilizing the centralized payroll system and  
24 shall deposit the proceeds in the fund. In addition,  
25 the state board of regents, ~~all library service~~  
26 ~~areas~~, the state fair board, the state department of  
27 transportation, and each judicial district department  
28 of correctional services shall remit the administrative  
29 charge on a monthly basis to the department and shall  
30 submit a report to the department containing the number  
31 and type of health insurance contracts held by each of  
32 its employees whose health insurance is administered by  
33 the department.

34 Sec. 39. Section 8D.2, subsection 5, paragraph a,  
35 Code 2011, is amended to read as follows:

36 a. "Public agency" means a state agency, an  
37 institution under the control of the board of regents,  
38 the judicial branch as provided in section 8D.13,  
39 subsection 16, a school corporation, a city library,  
40 ~~a library service area as provided in chapter 256,~~  
41 a county library as provided in chapter 336, or a  
42 judicial district department of correctional services  
43 established in section 905.2, to the extent provided in  
44 section 8D.13, subsection 14, an agency of the federal  
45 government, or a United States post office which  
46 receives a federal grant for pilot and demonstration  
47 projects.

48 Sec. 40. Section 8D.9, subsection 1, Code 2011, is  
49 amended to read as follows:

50 1. A private or public agency, other than a state

1 agency, local school district or nonpublic school, city  
2 library, ~~library service area~~, county library, judicial  
3 branch, judicial district department of correctional  
4 services, agency of the federal government, a hospital  
5 or physician clinic, or a post office authorized to be  
6 offered access pursuant to this chapter as of May 18,  
7 1994, shall certify to the commission no later than  
8 July 1, 1994, that the agency is a part of or intends  
9 to become a part of the network. Upon receiving such  
10 certification from an agency not a part of the network  
11 on May 18, 1994, the commission shall provide for the  
12 connection of such agency as soon as practical. An  
13 agency which does not certify to the commission that  
14 the agency is a part of or intends to become a part of  
15 the network as required by this subsection shall be  
16 prohibited from using the network.

17 Sec. 41. Section 8D.11, subsection 4, Code 2011, is  
18 amended to read as follows:

19 4. A political subdivision receiving communications  
20 services from the state as of April 1, 1986, may  
21 continue to do so but communications services shall  
22 not be provided or resold to additional political  
23 subdivisions other than a school corporation, a city  
24 library, ~~a library service area as provided in chapter~~  
25 ~~256~~, and a county library as provided in chapter 336.  
26 The rates charged to the political subdivision shall be  
27 the same as the rates charged to state agencies.

28 Sec. 4. Section 12C.1, subsection 1, Code 2011, is  
29 amended to read as follows:

30 1. All funds held by the following officers  
31 or institutions shall be deposited in one or more  
32 depositories first approved by the appropriate  
33 governing body as indicated: for the treasurer of  
34 state, by the executive council; for judicial officers  
35 and court employees, by the supreme court; for the  
36 county treasurer, recorder, auditor, and sheriff, by  
37 the board of supervisors; for the city treasurer or  
38 other designated financial officer of a city, by the  
39 city council; for the county public hospital or merged  
40 area hospital, by the board of hospital trustees;  
41 for a memorial hospital, by the memorial hospital  
42 commission; for a school corporation, by the board  
43 of school directors; for a city utility or combined  
44 utility system established under chapter 388, by the  
45 utility board; ~~for a library service area established~~  
46 ~~under chapter 256, by the library service area board of~~  
47 ~~trustees~~; and for an electric power agency as defined  
48 in section 28F.2 or 390.9, by the governing body of the  
49 electric power agency. However, the treasurer of state  
50 and the treasurer of each political subdivision or the

1 designated financial officer of a city shall invest  
2 all funds not needed for current operating expenses in  
3 time certificates of deposit in approved depositories  
4 pursuant to this chapter or in investments permitted by  
5 section 12B.10. The list of public depositories and  
6 the amounts severally deposited in the depositories  
7 are matters of public record. This subsection does  
8 not limit the definition of "public funds" contained  
9 in subsection 2. Notwithstanding provisions of this  
10 section to the contrary, public funds of a state  
11 government deferred compensation plan established  
12 by the executive council may also be invested in the  
13 investment products authorized under section 509A.12.

14 Sec. 43. Section 218.22, Code 2011, is amended to  
15 read as follows:

16 218.22 Record privileged.

17 Except with the consent of the administrator in  
18 charge of an institution, or on an order of a court of  
19 record, the record provided in section 218.21 shall be  
20 accessible only to the administrator of the division  
21 of the department of human services in control of  
22 such institution, the director of the department of  
23 human services and to assistants and proper clerks  
24 authorized by such administrator or the administrator's  
25 director. The administrator of the division of such  
26 institution is authorized to permit the division of  
27 ~~libraries and information~~ library services of the  
28 department of education and the historical division of  
29 the department of cultural affairs to copy or reproduce  
30 by any photographic, photostatic, microfilm, microcard  
31 or other process which accurately reproduces a durable  
32 medium for reproducing the original and to destroy in  
33 the manner described by law such records of residents  
34 designated in section 218.21.

35 Sec. 44. Section 256.7, unnumbered paragraph 1,  
36 Code 2011, is amended to read as follows:

37 Except for the college student aid commission,  
38 the commission of libraries and division of library  
39 services, and the public broadcasting board and  
40 division, the state board shall:

41 Sec. 45. Section 256.7, subsection 17, Code 2011,  
42 is amended to read as follows:

43 17. Receive and review the budget and unified plan  
44 of service submitted by the division of ~~libraries and~~  
45 ~~information~~ library services.

46 Sec. 46. Section 256.9, unnumbered paragraph 1,  
47 Code 2011, is amended to read as follows:

48 Except for the college student aid commission,  
49 the commission of libraries and division of library  
50 services, and the public broadcasting board and

1 division, the director shall:

2 Sec. 47. Section 256.50, subsection 2, Code 2011,  
3 is amended to read as follows:

4 2. "Division" means the division of ~~libraries and~~  
5 ~~information~~ library services of the department of  
6 education.

7 Sec. 48. Section 256.51, subsection 1, unnumbered  
8 paragraph 1, Code 2011, is amended to read as follows:

9 The division of ~~libraries and information~~ library  
10 services is ~~established within~~ attached to the  
11 department of education for administrative purposes.  
12 The state librarian shall be responsible for the  
13 division's budgeting and related management functions  
14 in accordance section 256.52, subsection 3. The  
15 division shall do all of the following:

16 Sec. 49. Section 256.51, subsection 1, Code 2011,  
17 is amended by adding the following new paragraphs:

18 NEW PARAGRAPH. 0a. Provide support services to  
19 libraries, including but not limited to consulting,  
20 continuing education, interlibrary loan services, and  
21 references services to assure consistency of service  
22 statewide and to encourage local financial support for  
23 library services.

24 NEW PARAGRAPH. 1. Allow a public library that  
25 receives state assistance under section 256.57, or  
26 financial support from a city or county pursuant  
27 to section 256.69, to dispose of, through sale,  
28 conveyance, or exchange, any library materials that may  
29 be obsolete or worn out or that may no longer be needed  
30 or appropriate to the mission of the public library.  
31 These materials may be sold by the public library  
32 directly or the governing body of the public library  
33 may sell the materials by consignment to a public  
34 agency or to a private agency organized to raise funds  
35 solely for support of the public library. Proceeds  
36 from the sale of the library materials may be remitted  
37 to the public library and may be used by the public  
38 library for the purchase of books and other library  
39 materials or equipment, or for the provision of library  
40 services.

41 Sec. 50. Section 256.51, subsection 1, paragraph d,  
42 Code 2011, is amended to read as follows:

43 d. Develop, in consultation with the ~~library~~  
44 ~~service areas and the area education agency media~~  
45 centers, a biennial unified plan of service and service  
46 delivery for the division of ~~libraries and information~~  
47 library services.

48 Sec. 51. Section 256.51, subsection 1, paragraph j,  
49 Code 2011, is amended to read as follows:

50 j. Establish and administer standards for state

1 agency libraries, ~~the library service areas~~, and public  
2 libraries.

3 Sec. 52. Section 256.51, subsection 1, paragraph k,  
4 Code 2011, is amended by striking the paragraph.

5 Sec. 53. Section 256.51, subsection 2, paragraph c,  
6 Code 2011, is amended to read as follows:

7 c. Accept gifts, contributions, bequests,  
8 endowments, or other moneys, including but not limited  
9 to the Westgate endowment fund, for any or all purposes  
10 of the division. Interest earned on moneys accepted  
11 under this paragraph shall be credited to the fund  
12 or funds to which the gifts, contributions, bequests,  
13 endowments, or other moneys have been deposited, and  
14 is available for any or all purposes of the division.  
15 The division shall report annually to the ~~director~~  
16 commission and the general assembly regarding the  
17 gifts, contributions, bequests, endowments, or other  
18 moneys accepted pursuant to this paragraph and the  
19 interest earned on them.

20 Sec. 54. Section 256.52, subsection 1, Code 2011,  
21 is amended to read as follows:

22 1. a. The state commission of libraries consists  
23 of one member appointed by the supreme court, the  
24 director of the department of education, or the  
25 director's designee, and ~~six~~ the following seven  
26 members who shall be appointed by the governor to serve  
27 four-year terms beginning and ending as provided in  
28 section 69.19. The governor's appointees shall

29 (1) Two members shall be employed in the state as  
30 public librarians.

31 (2) One member shall be a public library trustee.

32 (3) One member shall be employed in this state as  
33 an academic librarian.

34 (4) One member shall be employed as a librarian by  
35 a school district or area education agency.

36 (5) Two members shall be selected at large.

37 b. The members shall be reimbursed for their actual  
38 expenditures necessitated by their official duties.  
39 Members may also be eligible for compensation as  
40 provided in section 7E.6.

41 Sec. 55. Section 256.52, subsection 3, paragraph  
42 b, subparagraphs (1) and (4), Code 2011, are amended  
43 to read as follows:

44 ~~(1) Direct and organize the activities of~~ Organize,  
45 staff, and administer the division so as to render the  
46 greatest benefit to libraries in the state.

47 ~~(4) Appoint and approve the technical,~~  
48 ~~professional, excepting the law librarian,~~ secretarial,  
49 and clerical staff necessary to accomplish the purposes  
50 of the division subject to chapter 8A, subchapter IV.

1 Sec. 56. Section 256.52, subsection 3, paragraph  
2 b, Code 2011, is amended by adding the following new  
3 subparagraph:

4 NEW SUBPARAGRAPH. (4A) (a) Assume all of the  
5 outstanding obligations of the library service  
6 areas and be liable for and recognize, assume, and  
7 carry out all valid contracts and obligations of the  
8 library service areas that are consolidated under the  
9 commission and administered by the division effective  
10 beginning July 1, 2011. Each library service area  
11 shall transfer, prior to July 1, 2011, its state-funded  
12 assets and title to any state-funded real estate owned  
13 by the library service area to the state librarian.

14 (b) This subparagraph is repealed July 1, 2015.

15 Sec. 57. Section 256.52, subsection 5, Code 2011,  
16 is amended to read as follows:

17 5. The commission shall receive and approve the  
18 budget and unified plan of service submitted by the  
19 ~~division of libraries and information services.~~

20 Sec. 58. Section 256.54, subsection 1, Code 2011,  
21 is amended to read as follows:

22 1. The state library includes but is not limited  
23 ~~to a law library~~ the library support network, the  
24 specialized library services unit, and the state data  
25 center. The law library shall be under the direction  
26 of the specialized library services unit.

27 Sec. 59. Section 256.54, subsection 2, unnumbered  
28 paragraph 1, Code 2011, is amended to read as follows:

29 The law library shall be administered by a law  
30 librarian appointed by the ~~director~~ state librarian  
31 subject to chapter 8A, subchapter IV, who shall do all  
32 of the following:

33 Sec. 60. Section 256.55, unnumbered paragraph 1,  
34 Code 2011, is amended to read as follows:

35 A state data center is established in the ~~department~~  
36 ~~of education~~ division. The state data center shall be  
37 administered by the state data center coordinator, who  
38 shall do all of the following:

39 Sec. 61. NEW SECTION. 256.58 Library support  
40 network.

41 1. A library support network is established in the  
42 division to offer services and programs for libraries,  
43 including but not limited to individualized, locally  
44 delivered consulting and training, and to facilitate  
45 resource sharing and innovation through the use of  
46 technology, administer enrich Iowa programs, advocate  
47 for libraries, promote excellence and innovation in  
48 library services, encourage governmental subdivisions  
49 to provide local financial support for local libraries,  
50 and ensure the consistent availability of quality

1 service to all libraries throughout the state,  
2 regardless of location or size.

3 2. The organizational structure to deliver library  
4 support network services shall include district  
5 offices. The district offices shall serve as a basis  
6 for providing field services to local libraries in the  
7 counties comprising the district. The division shall  
8 determine which counties are served by each district  
9 office.

10 Sec. 62. NEW SECTION. 256.59 Specialized library  
11 services.

12 The specialized library services unit is established  
13 in the division to provide information services to the  
14 three branches of state government and to offer focused  
15 information services to the general public in the areas  
16 of Iowa law, Iowa state documents, and Iowa history and  
17 culture.

18 Sec. 63. NEW SECTION. 256.62 Library services  
19 advisory panel.

20 1. The state librarian shall convene a library  
21 services advisory panel to advise and recommend to  
22 the commission and the division evidence-based best  
23 practices, to assist the commission and division to  
24 determine service priorities and launch programs,  
25 articulate the needs and interests of Iowa librarians,  
26 and share research and professional development  
27 information.

28 2. The library services advisory panel shall  
29 consist of no fewer than eleven members representing  
30 libraries of all sizes and types, and various  
31 population levels and geographic regions of the  
32 state. A simple majority of the members appointed  
33 shall be appointed by the executive board of the Iowa  
34 library association and the remaining members shall be  
35 appointed by the state librarian. Terms of members  
36 shall begin and end as provided in section 69.19. Any  
37 vacancy shall be filled in the same manner as regular  
38 appointments are made for the unexpired portion of the  
39 regular term. Members shall serve four-year terms  
40 which are staggered at the discretion of the state  
41 librarian. A member is eligible for reappointment for  
42 three successive terms. The members shall elect a  
43 chairperson annually.

44 3. The library services advisory panel shall  
45 meet at least twice annually and shall submit its  
46 recommendations in a report to the commission and the  
47 state librarian at least once annually. The report  
48 shall be timely submitted to allow for consideration  
49 of the recommendations prior to program planning and  
50 budgeting for the following fiscal year.

1 4. Members of the library services advisory panel  
2 shall receive actual and necessary expenses incurred  
3 in the performance of their duties. Expenses shall  
4 be paid from funds appropriated to the department for  
5 purposes of the division.

6 Sec. 64. Section 256.70, unnumbered paragraph 1,  
7 Code 2011, is amended to read as follows:

8 The division of ~~libraries and information~~ library  
9 services of the department of education is hereby  
10 authorized to enter into interstate library compacts on  
11 behalf of the state of Iowa with any state bordering on  
12 Iowa which legally joins therein in substantially the  
13 following form and the contracting states agree that:

14 Sec. 65. Section 256.71, Code 2011, is amended to  
15 read as follows:

16 256.71 Administrator.

17 The administrator of the division of ~~libraries and~~  
18 ~~information~~ library services shall be the compact  
19 administrator. The compact administrator shall  
20 receive copies of all agreements entered into by the  
21 state or its political subdivisions and other states  
22 or political subdivisions; consult with, advise and  
23 aid such governmental units in the formulation of  
24 such agreements; make such recommendations to the  
25 governor, legislature, governmental agencies and units  
26 as the administrator deems desirable to effectuate the  
27 purposes of this compact and consult and ~~co-operate~~  
28 cooperate with the compact administrators of other  
29 party states.

30 Sec. 66. Section 273.2, subsection 4, Code 2011, is  
31 amended to read as follows:

32 4. The area education agency board shall provide  
33 for special education services and media services  
34 for the local school districts in the area and shall  
35 encourage and assist school districts in the area to  
36 establish programs for gifted and talented children.  
37 The board shall assist in facilitating interlibrary  
38 loans of materials between school districts and other  
39 libraries. ~~Each area education agency shall include~~  
40 ~~as a member of its media center advisory committee a~~  
41 ~~library service area trustee or library service area~~  
42 ~~staff member, who is appointed to the committee by the~~  
43 ~~commission of libraries.~~

44 Sec. 67. Section 669.2, subsection 5, Code 2011, is  
45 amended to read as follows:

46 5. "State agency" includes all executive  
47 departments, agencies, boards, bureaus, and commissions  
48 of the state of Iowa, and corporations whose  
49 primary function is to act as, and while acting as,  
50 instrumentalities or agencies of the state of Iowa,

1 whether or not authorized to sue and be sued in  
2 their own names. This definition does not include a  
3 contractor with the state of Iowa. Soil and water  
4 conservation districts as defined in section 161A.3,  
5 subsection 6, and judicial district departments  
6 of correctional services as established in section  
7 905.2, ~~and library service area boards of trustees~~  
8 ~~as established in chapter 256~~ are state agencies for  
9 purposes of this chapter.

10 Sec. 68. Section 904.601, unnumbered paragraph 1,  
11 Code 2011, is amended to read as follows:

12 The director shall keep the following record of  
13 every person committed to any of the department's  
14 institutions: Name, residence, sex, age, place of  
15 birth, occupation, civil condition, date of entrance  
16 or commitment, date of discharge, whether a discharge  
17 is final, condition of the person when discharged,  
18 the name of the institutions from which and to which  
19 the person has been transferred, and if the person  
20 is dead, the date and cause of death. The director  
21 may permit the division of ~~libraries and information~~  
22 library services of the department of education and  
23 the historical division of the department of cultural  
24 affairs to copy or reproduce by any photographic,  
25 photostatic, microfilm, microcard, or other process  
26 which accurately reproduces in a durable medium and to  
27 destroy in the manner described by law the records of  
28 inmates required by this paragraph.

29 Sec. 69. REPEAL. Sections 256.60, 256.61, 256.66  
30 through 256.68, Code 2011, are repealed.

31 Sec. 70. TRANSITION PROVISION. A governor's  
32 appointee serving on the state commission of libraries  
33 on the effective date of this Act shall continue  
34 to serve as a member of the commission until the  
35 appointee's term expires.

36 Sec. 71. LIBRARY SERVICE AREA EMPLOYEES ---- LENGTH  
37 OF SERVICE ---- TRANSFER OF PERSONNEL RECORDS.

38 1. The length of service of a permanent employee  
39 of a library service area who is employed by a library  
40 service area on June 30, 2011, and who is hired by the  
41 division of library services on or after July 1, 2011,  
42 shall be prorated and credited as state employment  
43 service for purposes of vacation and sick leave  
44 accrual.

45 2. The area administrator of each library service  
46 area shall submit to the division of library services  
47 the personnel records of each permanent full-time  
48 employee of the library service area by July 1, 2011.

49 Sec. 72. EFFECTIVE UPON ENACTMENT. The section  
50 of this division of this Act enacting section 256.52,

1 subsection 3, paragraph "b", subparagraph (4A), being  
2 deemed of immediate importance, takes effect upon  
3 enactment.

4 DIVISION III

5 PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT PROGRAM

6 Sec. 73. Section 260C.18A, subsection 2, Code 2011,  
7 is amended by adding the following new paragraphs:

8 NEW PARAGRAPH. g. Development and implementation  
9 of pathways for academic career and employment programs  
10 under chapter 260H.

11 NEW PARAGRAPH. h. Development and implementation  
12 of programs for the gap tuition assistance program  
13 under chapter 260I.

14 NEW PARAGRAPH. i. Entrepreneurial education, small  
15 business assistance, and business incubators.

16 Sec. 74. NEW SECTION. 260H.1 Title.

17 This chapter shall be known and may be cited as the  
18 "Pathways for Academic Career and Employment Act".

19 Sec. 75. NEW SECTION. 260H.2 Pathways for academic  
20 career and employment program.

21 A pathways for academic career and employment  
22 program is established to provide funding to  
23 community colleges for the development of projects  
24 in coordination with the department of economic  
25 development, the department of education, Iowa  
26 workforce development, regional advisory boards  
27 established pursuant to section 84A.4, and community  
28 partners to implement a simplified, streamlined, and  
29 comprehensive process, along with customized support  
30 services, to enable eligible participants to acquire  
31 effective academic and employment training to secure  
32 gainful, quality, in-state employment.

33 Sec. 76. NEW SECTION. 260H.3 Eligibility criteria.

34 1. Projects eligible for funding for the pathways  
35 for academic career and employment program shall be  
36 projects that further the ability of members of target  
37 populations to secure gainful, quality employment.  
38 For the purposes of this chapter, "target population"  
39 includes:

40 a. Persons deemed low skilled for the purposes of  
41 attaining gainful, quality, in-state employment.

42 b. Persons earning incomes at or below two hundred  
43 percent of the federal poverty level as defined by  
44 the most recently revised poverty income guidelines  
45 published by the United States department of health and  
46 human services.

47 c. Unemployed persons.

48 d. Underemployed persons.

49 e. Dislocated workers, including workers eligible  
50 for services and benefits under the federal Trade

1 Adjustment Act of 2002, Pub. L. No. 107-210, as  
2 determined by the department of workforce development  
3 and the federal internal revenue service.

4 2. Projects eligible for funding for the pathways  
5 for academic career and employment program shall  
6 be projects that further partnerships that link  
7 the community colleges to industry and nonprofit  
8 organizations and projects that further program  
9 outcomes as provided in section 260H.4.

10 Sec. 77. NEW SECTION. 260H.4 Program outcomes.

11 Projects eligible for funding for the pathways  
12 for academic career and employment program shall be  
13 programs which further the following program outcomes:

14 1. Enabling the target populations to:

15 a. Acquire and demonstrate competency in basic  
16 skills.

17 b. Acquire and demonstrate competency in a  
18 specified technical field.

19 c. Complete a specified level of postsecondary  
20 education.

21 d. Earn a national career readiness certificate.

22 e. Obtain employer-validated credentials.

23 f. Secure gainful employment in high-quality, local  
24 jobs.

25 2. Satisfaction of economic and employment goals  
26 including but not limited to:

27 a. Economic and workforce development requirements  
28 in each region served by the community colleges  
29 as defined by regional advisory boards established  
30 pursuant to section 84A.4.

31 b. Needs of industry partners in areas including  
32 but not limited to:

33 (1) Information technology.

34 (2) Health care.

35 (3) Advanced manufacturing.

36 (4) Transportation and logistics.

37 c. Any other industry designated as in-demand by a  
38 regional advisory board established pursuant to section  
39 84A.4.

40 Sec. 78. NEW SECTION. 260H.5 Program component  
41 requirements.

42 Program components of a pathways for academic career  
43 and employment project implemented at a community  
44 college shall:

45 1. Include measurable and effective recruitment,  
46 assessment, and referral activities designed for the  
47 target populations.

48 2. Integrate basics skills and work-readiness  
49 training with occupational skills training.

50 3. Combine customized supportive and case

1 management services with training services to help  
2 participants overcome barriers to employment.  
3 4. Provide training services at times, locations,  
4 and through multiple, flexible modalities that are  
5 easily understood and readily accessible to the  
6 target populations. Such modalities shall support  
7 timeless entry, individualized learning, and flexible  
8 scheduling, and may include online remediation,  
9 learning lab and cohort learning communities, tutoring,  
10 and modularization.

11 Sec. 79. NEW SECTION. 260H.6 Pipeline program.

12 Each community college receiving funding for the  
13 pathways for academic career and employment program  
14 shall develop a pipeline program in order to better  
15 serve the academic, training, and employment needs of  
16 the target populations. A pipeline program shall have  
17 the following goals:

18 1. To strengthen partnerships with community-based  
19 organizations and industry representatives.

20 2. To improve and simplify the identification,  
21 recruitment, and assessment of qualified participants.

22 3. To conduct and manage an outreach, recruitment,  
23 and intake process, along with accompanying support  
24 services, reflecting sensitivity to the time and  
25 financial constraints and remediation needs of the  
26 target populations.

27 4. To conduct orientations for qualified  
28 participants to describe regional labor market  
29 opportunities, employer partners, and program  
30 requirements and expectations.

31 5. To describe the concepts of the project  
32 implemented with funds from the pathways for academic  
33 career and employment program and the embedded  
34 educational and support resources available through  
35 such project.

36 6. To outline the basic skills participants will  
37 learn and describe the credentials participants will  
38 earn.

39 7. To describe success milestones and ways in which  
40 temporal and instructional barriers have been minimized  
41 or eliminated.

42 8. To review how individualized and customized  
43 service strategies for participants will be developed  
44 and provided.

45 Sec. 80. NEW SECTION. 260H.7 Career pathways and  
46 bridge curriculum development program.

47 Each community college receiving funding for the  
48 pathways for academic career and employment program  
49 shall develop a career pathways and bridge curriculum  
50 development program in order to better serve the

1 academic, training, and employment needs of the target  
2 populations. A career pathways and bridge curriculum  
3 development program shall have the following goals:

4 1. The articulation of courses and modules, the  
5 mapping of programs within career pathways, and  
6 establishment of bridges between credit and noncredit  
7 programs.

8 2. The integration and contextualization of  
9 basic skills education and skills training. This  
10 process shall provide for seamless progressions  
11 between adult basic education and general education  
12 development programs and continuing education and  
13 credit certificate, diploma, and degree programs.

14 3. The development of career pathways that support  
15 the attainment of industry-recognized credentials,  
16 diplomas, and degrees through stackable, modularized  
17 program delivery.

18 Sec. 81. NEW SECTION. 260H.8 Rules.

19 The department of education, in consultation with  
20 the community colleges, the department of economic  
21 development, and Iowa workforce development, shall  
22 adopt rules pursuant to chapter 17A and this chapter  
23 to implement the provisions of this chapter. Regional  
24 advisory boards established pursuant to section  
25 84A.4 shall be consulted in the development and  
26 implementation of rules to be adopted pursuant to this  
27 chapter.

28 Sec. 82. NEW SECTION. 260I.1 Title.

29 This chapter shall be known and may be cited as the  
30 "Gap Tuition Assistance Act".

31 Sec. 83. NEW SECTION. 260I.2 Gap tuition  
32 assistance program.

33 A gap tuition assistance program is established to  
34 provide funding to community colleges for need-based  
35 tuition assistance to applicants to enable completion  
36 of continuing education certificate training programs  
37 for in-demand occupations.

38 Sec. 84. NEW SECTION. 260I.3 Applicants for  
39 tuition assistance ---- eligibility criteria.

40 1. The department of education, in consultation  
41 with the department of economic development, shall  
42 adopt rules pursuant to this chapter defining  
43 eligibility criteria for persons applying to receive  
44 tuition assistance under this chapter.

45 2. Eligibility for tuition assistance under this  
46 chapter shall be based on financial need. Criteria to  
47 be assessed in determining financial need shall include  
48 but is not limited to:

49 a. The applicant's family income for the twelve  
50 months prior to the date of application.

1 b. The applicant's family size.  
2 c. The applicant's county of residence.  
3 3. a. An applicant for tuition assistance under  
4 this chapter must have a demonstrated capacity to  
5 achieve the following outcomes:  
6 (1) The ability to complete an eligible certificate  
7 program.  
8 (2) The ability to enter a postsecondary  
9 certificate, diploma, or degree program for credit.  
10 (3) The ability to gain full-time employment.  
11 (4) The ability to maintain full-time employment  
12 over time.  
13 b. The community college receiving the application  
14 shall only approve an applicant for tuition assistance  
15 under this chapter if the community college determines  
16 the applicant has a strong likelihood of achieving the  
17 outcomes described in paragraph "a" after considering  
18 factors including but not limited to:  
19 (1) Barriers that may prevent an applicant from  
20 completing the certificate program.  
21 (2) Barriers that may prevent an applicant from  
22 gaining employment in an in-demand occupation.  
23 4. Applicants may be found eligible for partial or  
24 total tuition assistance.  
25 5. Tuition assistance shall not be approved when  
26 the community college receiving the application  
27 determines that funding for an applicant's  
28 participation in an eligible certificate program is  
29 available from any other public or private funding  
30 source.  
31 Sec. 85. NEW SECTION. 260I.4 Applicants for  
32 tuition assistance ---- additional provisions.  
33 1. An applicant for tuition assistance under  
34 this chapter shall provide to the community college  
35 receiving the application documentation of all sources  
36 of income.  
37 2. Only an applicant eligible to work in the United  
38 States shall be approved for tuition assistance under  
39 this chapter.  
40 3. An application shall be valid for six months  
41 from the date of signature on the application.  
42 4. A person shall not be approved for tuition  
43 assistance under this chapter for more than one  
44 eligible certificate program.  
45 5. Eligibility for tuition assistance under this  
46 chapter shall not be construed to guarantee enrollment  
47 in any community college certificate program.  
48 6. Eligibility for tuition assistance under this  
49 chapter shall be limited to persons earning incomes at  
50 or below two hundred percent of the federal poverty

1 level as defined by the most recently revised poverty  
2 income guidelines published by the United States  
3 department of health and human services.

4 Sec. 86. NEW SECTION. 260I.5 Eligible costs.

5 Costs of a certificate program eligible for coverage  
6 by tuition assistance shall include but are not limited  
7 to:

8 1. Tuition.

9 2. Direct training costs.

10 3. Required books and equipment.

11 4. Fees including but not limited to fees for  
12 industry testing services and background check testing  
13 services.

14 Sec. 87. NEW SECTION. 260I.6 Eligible certificate  
15 programs.

16 For the purposes of this chapter, "eligible  
17 certificate program" means a program meeting all of the  
18 following criteria:

19 1. The program is not offered for credit, but is  
20 aligned with a certificate, diploma, or degree for  
21 credit, and does any of the following:

22 a. Offers a state, national, or locally recognized  
23 certificate.

24 b. Offers preparation for a professional  
25 examination or licensure.

26 c. Provides endorsement for an existing credential  
27 or license.

28 d. Represents recognized skill standards defined by  
29 an industrial sector.

30 e. Offers a similar credential or training.

31 2. The program offers training or a credential in  
32 an in-demand occupation. For the purposes of this  
33 chapter, "in-demand occupation" includes occupations in  
34 the following industries:

35 a. Information technology.

36 b. Health care.

37 c. Advanced manufacturing.

38 d. Transportation and logistics.

39 e. Any other industry designated as in-demand by a  
40 regional advisory board established pursuant to section  
41 84A.4.

42 Sec. 88. NEW SECTION. 260I.7 Initial assessment.

43 An applicant for tuition assistance under this  
44 chapter shall complete an initial assessment  
45 administered by the community college receiving the  
46 application to determine the applicant's readiness  
47 to complete an eligible certificate program. The  
48 assessment shall include assessments for completion of  
49 a national career readiness certificate, including the  
50 areas of reading for information, applied mathematics,

1 and locating information. An applicant must achieve a  
2 bronze-level certificate or the minimum score required  
3 for an eligible certificate program, whichever is  
4 higher, in order to be approved for tuition assistance.  
5 An applicant shall complete any additional assessments  
6 and occupational research required by an eligible  
7 certificate program.

8 Sec. 89. NEW SECTION. 260I.8 Program interview.

9 An applicant for tuition assistance under this  
10 chapter shall meet with a member of the staff for  
11 an eligible certificate program offered by the  
12 community college receiving the application. The  
13 staff member shall discuss the relevant industry, any  
14 applicable occupational research, and any applicable  
15 training relating to the eligible certificate program.  
16 The discussion shall include an evaluation of the  
17 applicant's capabilities, needs, family situation,  
18 work history, educational background, attitude and  
19 motivation, employment skills, vocational potential,  
20 and employment barriers. The discussion shall also  
21 include potential start dates, support needs, and other  
22 requirements for an eligible certificate program.

23 Sec. 90. NEW SECTION. 260I.9 Participation  
24 requirements.

25 1. A participant in an eligible certificate program  
26 who receives tuition assistance pursuant to this  
27 chapter shall do all of the following:

28 a. Maintain regular contact with staff members for  
29 the certificate program to document the applicant's  
30 progress in the program.

31 b. Sign a release form to provide relevant  
32 information to community college faculty or case  
33 managers.

34 c. Discuss with staff members for the certificate  
35 program any issues that may impact the participant's  
36 ability to complete the certificate program, obtain  
37 employment, and maintain employment over time.

38 d. Attend all required courses regularly.

39 e. Meet with staff members for the certificate  
40 program to develop a job search plan.

41 2. A community college may terminate tuition  
42 assistance for a participant who fails to meet the  
43 requirements of this section.

44 Sec. 91. NEW SECTION. 260I.10 Oversight.

45 1. The department of education, in coordination  
46 with the community colleges, shall establish a steering  
47 committee. The steering committee shall determine if  
48 the performance measures of the gap tuition assistance  
49 program are being met and shall take necessary steps  
50 to correct any deficiencies. The steering committee

1 shall meet at least quarterly to evaluate and monitor  
2 the performance of the gap tuition assistance program.

3 2. The department of education, in coordination  
4 with the community colleges, shall develop a common  
5 intake tracking system that shall be implemented  
6 consistently by each participating community college.

7 3. The department of education shall coordinate  
8 statewide oversight, evaluation, and reporting efforts  
9 for the gap tuition assistance program.

10 Sec. 92. NEW SECTION. 260I.11 Rules.

11 The department of education, in consultation  
12 with the department of economic development and  
13 the community colleges, shall adopt rules pursuant  
14 to chapter 17A and this chapter to implement the  
15 provisions of this chapter.>

16 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

**SENATE AMENDMENT TO**  
**HOUSE FILE 649**

**H-1732**

1 Amend House File 649, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 19, by striking <9,852,577> and  
4 inserting <10,302,577>  
5 2. Page 1, after line 29 by inserting:  
6 <1A. The amount appropriated in this section  
7 includes additional funding of \$450,000 for delivery of  
8 long-term care services to seniors with low or moderate  
9 incomes.>  
10 3. Page 2, line 35, by striking <20,703,190> and  
11 inserting <25,703,190>  
12 4. Page 3, by striking lines 2 through 11 and  
13 inserting:  
14 <a. (1) Of the funds appropriated in this  
15 subsection, \$5,453,830 shall be used for the tobacco  
16 use prevention and control initiative, including  
17 efforts at the state and local levels, as provided in  
18 chapter 142A.  
19 (2) Of the funds allocated in this paragraph  
20 "a", \$453,830 shall be transferred to the alcoholic  
21 beverages division of the department of commerce  
22 for enforcement of tobacco laws, regulations, and  
23 ordinances in accordance with 2011 Iowa Acts, House  
24 File 467, as enacted.>  
25 5. Page 6, line 16, by striking <2,601,905> and  
26 inserting <2,594,270>  
27 6. Page 6, line 17, by striking <10.00> and  
28 inserting <11.00>  
29 7. Page 6, line 25, by striking <287,520> and  
30 inserting <329,885>  
31 8. Page 6, line 30, after <children.> by inserting  
32 <A portion of the funds allocated in this lettered  
33 paragraph may be used for a full-time equivalent  
34 position to coordinate the activities under this  
35 paragraph.>  
36 9. Page 7, by striking lines 8 through 14.  
37 10. Page 7, line 19, by striking <3,262,256> and  
38 inserting <3,399,156>  
39 11. Page 7, line 20, by striking <4.00> and  
40 inserting <5.00>  
41 12. Page 7, line 21, by striking <136,808> and  
42 inserting <160,582>  
43 13. Page 7, line 25, by striking <383,600> and  
44 inserting <483,600>  
45 14. Page 7, line 32, by striking <468,874> and  
46 inserting <498,874>  
47 15. Page 8, line 6, by striking <755,791> and  
48 inserting <788,303>  
49 16. Page 8, line 8, by striking <711,052> and  
50 inserting <547,065>

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1 17. Page 8, line 12, by striking <363,987> and  
2 inserting <200,000>

3 18. Page 8, line 18, by striking <421,782> and  
4 inserting <528,834>

5 19. Page 8, line 20, after <disorders.> by  
6 inserting <A portion of the funds allocated in this  
7 paragraph may be used for one full-time equivalent  
8 position for administration of the center.>

9 20. Page 8, line 28, by striking <3,677,659> and  
10 inserting <4,826,699>

11 21. Page 9, line 32, after <designated> by  
12 inserting <. The following amounts allocated under  
13 this lettered paragraph shall be distributed to  
14 the specified provider and shall not be reduced for  
15 administrative or other costs prior to distribution>

16 22. Page 9, line 33, by striking <Iowa-Nebraska>  
17 and inserting <Iowa>

18 23. Page 10, line 1, by striking <116,597> and  
19 inserting <132,580>

20 24. Page 10, after line 1 by inserting:

21 <(1A) For distribution to the Iowa family planning  
22 network agencies for necessary infrastructure,  
23 statewide coordination, provider recruitment, service  
24 delivery, and provision of assistance to patients in  
25 determining an appropriate medical home:

26 ..... \$ 74,517>

27 25. Page 10, line 5, by striking <68,332> and  
28 inserting <74,517>

29 26. Page 10, line 9, by striking <68,332> and  
30 inserting <74,517>

31 27. Page 10, line 14, by striking <113,754> and  
32 inserting <124,050>

33 28. Page 10, line 19, by striking <101,264> and  
34 inserting <110,430>

35 29. Page 10, line 23, by striking <238,420> and  
36 inserting <260,000>

37 30. Page 10, line 27, by striking <247,590> and  
38 inserting <270,000>

39 31. By striking page 10, line 32, through page 11,  
40 line 5, and inserting:

41 <h. (1) Of the funds appropriated in this  
42 subsection, \$149,000 shall be used for continued  
43 implementation of the recommendations of the direct  
44 care worker task force established pursuant to 2005  
45 Iowa Acts, chapter 88, based upon the report submitted  
46 to the governor and the general assembly in December  
47 2006. The department may use a portion of the funds  
48 allocated in this lettered paragraph for an additional  
49 position to assist in the continued implementation.

50 (2) It is the intent of the general assembly that

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1 a board of direct care workers shall be established  
2 within the department of public health by July 1, 2014,  
3 contingent upon the availability of funds to establish  
4 and maintain the board.

5 (3) The direct care worker advisory council  
6 shall submit a final report no later than March 1,  
7 2012, to the governor and the general assembly, in  
8 accordance with 2010 Iowa Acts, chapter 1192, section  
9 2, subsection 4, paragraph "h", subparagraph (3).

10 (4) The department of public health shall report to  
11 the persons designated in this Act for submission of  
12 reports regarding use of the funds allocated in this  
13 lettered paragraph, on or before January 15, 2012.

14 i. (1) Of the funds appropriated in this  
15 subsection, \$130,100 shall be used for allocation to an  
16 independent statewide direct care worker association  
17 for education, outreach, leadership development,  
18 mentoring, and other initiatives intended to enhance  
19 the recruitment and retention of direct care workers in  
20 health care and long-term care settings.

21 (2) Of the funds appropriated in this subsection,  
22 \$58,000 shall be used to provide scholarships or  
23 other forms of subsidization for direct care worker  
24 educational conferences, training, or outreach  
25 activities.>

26 32. Page 11, after line 13 by inserting:

27 <k. Of the funds appropriated in this subsection,  
28 \$50,000 shall be used for a matching dental education  
29 loan repayment program to be allocated to a dental  
30 nonprofit health service corporation to develop the  
31 criteria and implement the loan repayment program.

32 l. Of the funds appropriated in this subsection, up  
33 to \$134,214 shall be used to support the department's  
34 activities relating to health and long-term care access  
35 as specified pursuant to chapter 135, division XXIV.

36 m. Of the funds appropriated in this subsection,  
37 \$363,987 shall be used as state matching funds for the  
38 health information network as enacted by this Act.

39 n. Of the funds appropriated in this subsection,  
40 \$25,000 shall be used for a pilot program established  
41 through a grant to an organization that has an  
42 existing program for children and adults and that is  
43 solely dedicated to preserving sight and preventing  
44 blindness to provide vision screening to elementary  
45 school children in one urban and one rural school  
46 district in the state, on a voluntary basis, over a  
47 multiyear period. The grantee organization shall  
48 develop protocol for participating schools including  
49 the grade level of the children to be screened, the  
50 training and certification necessary for individuals

1 conducting the vision screening, vision screening  
2 equipment requirements, and documentation and tracking  
3 requirements. Following the conclusion of the pilot  
4 program, the grantee organization shall report findings  
5 and recommendations for statewide implementation of the  
6 vision screening program to the department of public  
7 health.>

8 o. The department of public health in collaboration  
9 with other appropriate state agencies shall review  
10 state regulatory oversight provisions relating to  
11 outpatient surgical facilities including ambulatory  
12 surgical centers, hospice programs, assisted living  
13 programs, and home health agencies, and shall submit  
14 recommendations to the persons designated in this Act  
15 for submission of reports by December 15, 2011, to  
16 improve quality of care for consumers and to increase  
17 regulatory compliance by such entities.

18 33. Page 11, line 19, by striking <7,297,142> and  
19 inserting <7,336,142>

20 34. Page 11, line 22, by striking <5,287,955> and  
21 inserting <5,326,955>

22 35. Page 12, line 7, by striking <2,906,532> and  
23 inserting <2,778,688>

24 36. Page 12, after line 24 by inserting:

25 <d. Of the funds appropriated in this subsection,  
26 \$50,000 shall be used for education, testing, training,  
27 and other costs to conform the requirements for  
28 certification of emergency medical care providers with  
29 national standards.>

30 37. Page 12, by striking lines 25 through 30.

31 38. Page 16, by striking lines 15 through 24 and  
32 inserting:

33 <Pregnancy prevention grants shall be awarded  
34 to programs in existence on or before July 1, 2011,  
35 if the programs are comprehensive in scope and have  
36 demonstrated positive outcomes. Grants shall be  
37 awarded to pregnancy prevention programs which are  
38 developed after July 1, 2011, if the programs are  
39 comprehensive in scope and are based on existing models  
40 that have demonstrated positive outcomes. Grants  
41 shall comply with the requirements provided in 1997  
42 Iowa Acts, chapter 208, section 14, subsections 1 and  
43 2, including the requirement that grant programs must  
44 emphasize sexual abstinence. Priority in the awarding  
45 of grants shall be given to programs that serve areas  
46 of the state which demonstrate the highest percentage  
47 of unplanned pregnancies of females of childbearing age  
48 within the geographic area to be served by the grant.>

49 39. Page 23, line 27, by striking <897,237,190> and  
50 inserting <878,216,915>

1 40. Page 23, by striking lines 28 through 34 and  
2 inserting:  
3 <1. Medically necessary abortions are those  
4 performed under any of the following conditions:  
5 a. The attending physician certifies that  
6 continuing the pregnancy would endanger the life of the  
7 pregnant woman.  
8 b. The attending physician certifies that the  
9 fetus is physically deformed, mentally deficient, or  
10 afflicted with a congenital illness.  
11 c. The pregnancy is the result of a rape which  
12 is reported within 45 days of the incident to a law  
13 enforcement agency or public or private health agency  
14 which may include a family physician.  
15 d. The pregnancy is the result of incest which  
16 is reported within 150 days of the incident to a law  
17 enforcement agency or public or private health agency  
18 which may include a family physician.  
19 e. Any spontaneous abortion, commonly known as a  
20 miscarriage, if not all of the products of conception  
21 are expelled.>  
22 41. By striking page 28, line 17, through page 29,  
23 line 8, and inserting:  
24 <\_\_\_. a. The department may implement cost  
25 containment strategies recommended by the governor, and  
26 may adopt emergency rules for such implementation.  
27 b. The department shall not implement the cost  
28 containment strategy to require a primary care referral  
29 for the provision of chiropractic services.  
30 c. The department may increase the amounts  
31 allocated for salaries, support, maintenance, and  
32 miscellaneous purposes associated with the medical  
33 assistance program, as necessary, to implement the cost  
34 containment strategies. The department shall report  
35 any such increase to the legislative services agency  
36 and the department of management.  
37 d. If the savings to the medical assistance  
38 program exceed the cost, the department may transfer  
39 any savings generated for the fiscal year due to  
40 medical assistance program cost containment efforts  
41 initiated pursuant to 2010 Iowa Acts, chapter 1031,  
42 Executive Order No. 20, issued December 16, 2009, or  
43 cost containment strategies initiated pursuant to  
44 this subsection, to the appropriation made in this  
45 division of this Act for medical contracts or general  
46 administration to defray the increased contract costs  
47 associated with implementing such efforts.  
48 e. The department shall report the implementation  
49 of any cost containment strategies under this  
50 subsection to the individuals specified in this

1 division of this Act for submission of reports on a  
2 quarterly basis.>

3 42. Page 29, after line 12 by inserting:

4 <\_\_\_\_. Of the funds appropriated in this section,  
5 \$6,100,000 shall be used to reduce the waiting lists  
6 of the medical assistance home and community-based  
7 services waivers, including the waiver for persons with  
8 intellectual disabilities for which the nonfederal  
9 share is paid as state case services and other support  
10 pursuant to section 331.440. The department shall  
11 distribute the funding allocated under this subsection  
12 proportionately among all home and community-based  
13 services waivers.

14 \_\_\_\_\_. a. The department may submit medical  
15 assistance program state plan amendments to the centers  
16 for Medicare and Medicaid services of the United  
17 States department of health and human services, and may  
18 adopt administrative rules pursuant to chapter 17A to  
19 implement any of the following if the respective state  
20 plan amendment is approved:

21 (1) Health homes pursuant to section 2703 of the  
22 federal Patient Protection and Affordable Care Act,  
23 Pub. L. No. 111-148. The department shall collaborate  
24 with the medical home system advisory council created  
25 pursuant to section 135.159 in developing such health  
26 homes.

27 (2) Accountable care organization pilot programs,  
28 if such programs are advantageous to the medical  
29 assistance program.

30 b. Any health home or accountable care organization  
31 pilot program implemented pursuant to this subsection  
32 shall demonstrate value to the state with a  
33 positive return on investment within two years of  
34 implementation, and may utilize care coordination fees,  
35 pay-for-performance fees, or shared saving strategies  
36 if approved as part of the state plan amendment.>

37 43. Page 29, line 19, by striking <5,773,844> and  
38 inserting <9,893,844>

39 44. Page 29, line 20, before <The> by inserting  
40 <1.>

41 45. Page 29, after line 24 by inserting:

42 <2. Of the funds appropriated in this section,  
43 \$150,000 shall be used for implementation of a  
44 uniform cost report to be used in the development  
45 of specified Medicaid reimbursement rates over a  
46 multiyear timeframe. The department of human services,  
47 in collaboration with affected providers, shall  
48 finalize a uniform cost report that includes provider  
49 type-specific cost schedules by December 15, 2011.

50 The uniform cost report shall be applied to providers

1 of home and community-based services waiver services,  
2 habilitation services, case management services  
3 and community mental health centers, residential  
4 care facilities, psychiatric medical institutions  
5 for children, and intermediate care facilities  
6 for the mentally retarded in the development of  
7 Medicaid reimbursement rates. The department shall  
8 collaborate with affected Medicaid providers to test  
9 the effectiveness of the cost report and determine  
10 the fiscal impact of implementing the uniform cost  
11 report during the fiscal year beginning July 1, 2012.  
12 A report of the findings and fiscal impact shall be  
13 submitted to the governor and the general assembly by  
14 December 31, 2013. The rates paid in the fiscal year  
15 beginning July 1, 2014, shall be established using  
16 uniform cost reports submitted in the fiscal year  
17 beginning July 1, 2012. Implementation of the uniform  
18 cost report shall be limited to the extent of the  
19 funding available.

20 3. a. Of the funds appropriated in this section,  
21 \$100,000 shall be used for implementation of an  
22 electronic medical record system, including system  
23 purchase or development, for home and community-based  
24 services providers and mental health services providers  
25 that comply with the requirements of federal and state  
26 laws and regulation by the fiscal year beginning July  
27 1, 2013.

28 b. The department shall analyze the costs and  
29 benefits of providing an electronic medical record and  
30 billing system for home and community-based services  
31 providers and mental health services providers that  
32 comply with the requirements of federal and state laws  
33 and regulation. The analysis shall include a review  
34 of all of the following: including the capability for  
35 an electronic medical record and billing system within  
36 the procurement for the Medicaid management information  
37 system, developing the system, and utilizing capacity  
38 within the health information network established by  
39 the department of public health as enacted in this  
40 Act. If the analysis demonstrates that a program  
41 may be implemented in a cost-effective manner and  
42 within available funds, the department may take steps  
43 to implement such a system. The department shall  
44 report the results of the analysis, activities, and  
45 recommendations to the persons designated in this  
46 division of this Act for submission of reports by  
47 December 15, 2011.

48 c. Notwithstanding section 8.33, funds allocated in  
49 this subsection that remain unencumbered or unobligated  
50 at the close of the fiscal year shall not revert but

1 shall remain available in succeeding fiscal years to be  
2 used for the purposes designated.

3 4. Of the amount appropriated in this section,  
4 \$3,500,000 shall be used for technology upgrades  
5 necessary to support Medicaid claims and other health  
6 operations, worldwide federal Health Insurance  
7 Portability and Accountability Act of 1996 (HIPAA)  
8 claims, transactions, and coding requirements, and  
9 the Iowa automated benefits calculation system.  
10 Notwithstanding section 8.33, funds allocated in this  
11 subsection that remain unencumbered or unobligated at  
12 the close of the fiscal year shall not revert but shall  
13 remain available in succeeding fiscal years to be used  
14 for the purposes designated.

15 5. Of the funds appropriated in this section,  
16 \$100,000 shall be used for an accountable care  
17 organization pilot project as specified in the division  
18 of this Act relating to prior appropriations and  
19 related changes.

20 6. Of the funds appropriated in this section,  
21 \$200,000 shall be used for the development of a  
22 provider payment system plan to provide recommendations  
23 to reform the health care provider payment system as an  
24 effective way to promote coordination of care, lower  
25 costs, and improve quality as specified in the division  
26 of this Act relating to cost containment.

27 7. Of the funds appropriated in this section,  
28 \$20,000 shall be used for the development of a plan  
29 to establish an all-payer claims database to provide  
30 for the collection and analysis of claims data from  
31 multiple payers of health care as specified in the  
32 division of this Act relating to cost containment.

33 8. The department shall amend the state Medicaid  
34 health information technology plan to include costs  
35 related to the one-time development costs of the health  
36 information network as enacted in this Act.

37 9. Of the amount appropriated in this section, up  
38 to \$250,000 may be transferred to the appropriation for  
39 general administration in this division of this Act to  
40 be used for additional full-time equivalent positions  
41 in the development of key health initiatives such as  
42 cost containment, development and oversight of managed  
43 care programs, and development of health strategies  
44 targeted toward improved quality and reduced costs in  
45 the Medicaid program.

46 10. Of the funds appropriated in this section,  
47 \$50,000 shall be used for home and community-based  
48 services waiver quality assurance programs, including  
49 the review and streamlining of processes and policies  
50 related to oversight and quality management to meet

1 state and federal requirements. The department shall  
2 submit a report to the persons designated by this  
3 division of this Act for submission of reports by  
4 December 15, 2011, regarding the modifications to the  
5 quality assurance programs.>

6 46. Page 30, line 22, by striking <There> and  
7 inserting <1. There>

8 47. Page 30, line 32, by striking <32,927,152> and  
9 inserting <33,056,102>

10 48. Page 30, after line 32 by inserting:

11 <2. Of the funds appropriated in this section,  
12 \$128,950 is allocated for continuation of the contract  
13 for advertising and outreach with the department of  
14 public health.>

15 49. Page 31, line 4, by striking <51,237,662> and  
16 inserting <55,265,509>

17 50. Page 31, line 5, by striking <49,868,235> and  
18 inserting <51,896,082>

19 51. Page 31, by striking lines 25 through 30 and  
20 inserting <system in accordance with section 237A.30.>

21 52. Page 33, after line 32 by inserting:

22 <4. For the fiscal year beginning July 1, 2011,  
23 notwithstanding section 232.52, subsection 2, and  
24 section 907.3A, subsection 1, the court shall not order  
25 the placement of a child at the Iowa juvenile home  
26 or the state training school under section 232.52, if  
27 that placement is not in accordance with the population  
28 guidelines for the respective juvenile institution  
29 established pursuant to section 233A.1 or 233B.1.>

30 53. Page 34, line 5, by striking <82,020,163> and  
31 inserting <83,377,336>

32 54. Page 35, line 29, by striking <7,170,116> and  
33 inserting <7,670,116>

34 55. Page 37, line 32, by striking <4,522,602> and  
35 inserting <6,022,602>

36 56. Page 39, after line 35 by inserting:

37 <\_\_\_\_. Of the funds appropriated in this section,  
38 \$257,173 shall be used for continuation of the central  
39 Iowa system of care program grant through June 30,  
40 2012.>

41 57. Page 40, line 8, by striking <34,897,591> and  
42 inserting <34,466,591>

43 58. Page 41, line 8, by striking <department of  
44 human services> and inserting <criminal and juvenile  
45 justice planning advisory council established in  
46 section 216A.132>

47 59. Page 41, by striking lines 14 and 15 and  
48 inserting <submission of reports and to the department  
49 of human services by>

50 60. Page 47, after line 35 by inserting:

1 <Notwithstanding section 8.33, moneys appropriated  
2 in this section that remain unencumbered or unobligated  
3 at the close of the fiscal year shall not revert but  
4 shall remain available for expenditure for the purposes  
5 designated until the close of the succeeding fiscal  
6 year.>

7 61. Page 48, line 10, by striking <285.00> and  
8 inserting <290.00>

9 62. Page 48, by striking lines 17 through 25 and  
10 inserting:

11 <3. Of the funds appropriated in this section,  
12 \$132,300 shall be used to contract with a statewide  
13 association representing community providers of mental  
14 health, mental retardation and brain injury services  
15 programs to provide technical assistance, support, and  
16 consultation to providers of habilitation services and  
17 home and community-based waiver services for adults  
18 with disabilities under the medical assistance program.  
19 Notwithstanding section 8.47 or any other provision of  
20 law to the contrary, the department may utilize a sole  
21 source approach to contract with the association.

22 4. Of the funds appropriated in this section,  
23 \$176,400 shall be used to contract with an appropriate  
24 entity to expand the provision of nationally accredited  
25 and recognized internet-based training to include  
26 mental health and disability services providers.  
27 Notwithstanding section 8.47 or any other provision of  
28 law to the contrary, the department may utilize a sole  
29 site source approach to enter into such contract.>

30 63. Page 48, before line 30 by inserting:

31 <\_\_\_\_. Notwithstanding section 8.33, moneys  
32 appropriated in this section that remain unencumbered  
33 or unobligated at the close of the fiscal year shall  
34 not revert but shall remain available for expenditure  
35 for the purposes designated until the close of the  
36 succeeding fiscal year.>

37 64. Page 49, line 7, by striking <225,502,551> and  
38 inserting <235,493,065>

39 65. Page 50, line 6, after <lower.> by inserting  
40 <The reimbursement specified under this paragraph shall  
41 be adjusted in accordance with chapter 249N, as enacted  
42 in this Act.>

43 66. Page 50, line 19, after <2011> by inserting  
44 <, except that the portion of the fund attributable  
45 to graduate medical education shall be reduced in  
46 an amount that reflects the elimination of graduate  
47 medical education payments made to out-of-state  
48 hospitals.>

49 67. Page 51, line 10, by striking <For> and  
50 inserting <(1) For>

1 68. Page 51, by striking lines 14 through 16 and  
2 inserting: <medical assistance.

3 (2) For the nonstate-owned psychiatric medical  
4 institutions for children, reimbursement rates shall  
5 remain at the rates in effect on June 30, 2011. The  
6 department, in consultation with representatives of the  
7 nonstate-owned psychiatric medical institutions for  
8 children, shall develop a reimbursement methodology to  
9 include all ancillary medical services costs and any  
10 other changes required for federal compliance, to be  
11 implemented on July 1, 2012. To the extent possible,  
12 the reimbursement methodology shall be in a manner so  
13 as to be budget neutral to the institutions and cost  
14 effective for the state.

15 69. Page 56, after line 10 by inserting:

16 <Sec. \_\_\_\_\_. CIVIL MONETARY PENALTIES ---- DIRECT CARE  
17 WORKER INITIATIVES PROPOSAL. The department of human  
18 services shall develop a proposal, in collaboration  
19 with the department of public health, requesting  
20 federal approval for the use of a portion of the  
21 funds received by the department of human services as  
22 civil monetary penalties from nursing facilities to  
23 support direct care worker initiatives that enhance the  
24 quality of care in nursing facilities. The proposal  
25 shall request use of the funds for direct care worker  
26 initiatives based on recommendations of the direct care  
27 worker task force established pursuant to 2005 Iowa  
28 Acts, chapter 88, as included in the report submitted  
29 to the governor and the general assembly in December  
30 2006. Upon completion of the proposal, the department  
31 of human services shall submit the proposal to the  
32 centers for Medicare and Medicaid services of the  
33 United States department of health and human services  
34 for approval. The department of human services shall  
35 notify the persons designated in this division of this  
36 Act for submission of reports upon receipt of approval  
37 of the proposal.>

38 70. Page 56, line 32, by striking <The> and  
39 inserting <1. The>

40 71. Page 57, after line 1 by inserting:

41 <2. The provision under the section of the division  
42 of this Act providing for reimbursement of medical  
43 assistance, state supplementary assistance, and social  
44 service providers by the department of human services  
45 relating to reimbursement of nonstate-owned psychiatric  
46 medical institutions for children.>

47 72. Page 57, line 4, after <ACCOUNT,> by inserting  
48 <NONPARTICIPATING PROVIDER REIMBURSEMENT FUND,>

49 73. Page 57, by striking line 7 and inserting:

1 <HOSPITAL HEALTH CARE ACCESS TRUST FUND, AND PHARMACY  
2 ASSESSMENT TRUST FUND>

3 74. By striking page 57, line 35, through page  
4 58, line 7, and inserting <necessary abortions. For  
5 the purpose of this subsection, an abortion is the  
6 purposeful interruption of pregnancy with the intention  
7 other than to produce a live-born infant or to remove a  
8 dead fetus, and a medically necessary abortion is one  
9 performed under one of the following conditions:

10 (1) The attending physician certifies that  
11 continuing the pregnancy would endanger the life of the  
12 pregnant woman.

13 (2) The attending physician certifies that the  
14 fetus is physically deformed, mentally deficient, or  
15 afflicted with a congenital illness.

16 (3) The pregnancy is the result of a rape which  
17 is reported within 45 days of the incident to a law  
18 enforcement agency or public or private health agency  
19 which may include a family physician.

20 (4) The pregnancy is the result of incest which  
21 is reported within 150 days of the incident to a law  
22 enforcement agency or public or private health agency  
23 which may include a family physician.

24 (5) The abortion is a spontaneous abortion,  
25 commonly known as a miscarriage, wherein not all of the  
26 products of conception are expelled.>

27 75. Page 58, line 27, by striking <54,226,279> and  
28 inserting <44,226,279>

29 76. Page 59, line 8, by striking <14,000,000> and  
30 inserting <16,277,753>

31 77. Page 59, line 26, by striking <51,500,000> and  
32 inserting <65,000,000>

33 78. Page 59, line 32, by striking <48,500,000> and  
34 inserting <60,000,000>

35 79. Page 59, line 35, by striking <48,500,00> and  
36 inserting <60,000,000>

37 80. Page 60, line 1, by striking <48,500,000> and  
38 inserting <60,000,000>

39 81. Page 60, line 5, by striking <48,500,000> and  
40 inserting <60,000,000>

41 82. Page 60, line 7, after <allocated.> by  
42 inserting <Pursuant to paragraph "b", of the amount  
43 appropriated in this subsection, not more than  
44 \$4,000,000 shall be distributed for prescription drugs  
45 and podiatry services.>

46 83. Page 60, after line 7 by inserting:

47 <b. Notwithstanding any provision of law to the  
48 contrary, the hospital identified in this subsection,  
49 shall be reimbursed for outpatient prescription drugs  
50 and podiatry services provided to members of the

1 expansion population pursuant to all applicable medical  
2 assistance program rules, in an amount not to exceed  
3 \$4,000,000.>

4 84. Page 60, line 8, by striking <b.> and inserting  
5 <c.>

6 85. Page 60, line 9, by striking <6> and inserting  
7 <4>

8 86. Page 60, line 26, after <subsection.> by  
9 inserting <Of the collections in excess of the  
10 \$19,000,000 received by the acute care teaching  
11 hospital under this subparagraph (1), \$2,000,000 shall  
12 be distributed by the acute care teaching hospital to  
13 the treasurer of state for deposit in the IowaCare  
14 account in the month of January 2012, following the  
15 July 1 through December 31, 2011, period.>

16 87. Page 60, line 35, after <subsection.> by  
17 inserting <Of the collections in excess of the  
18 \$19,000,000 received by the acute care teaching  
19 hospital under this subparagraph (2), \$2,000,000 shall  
20 be distributed by the acute care teaching hospital to  
21 the treasurer of state for deposit in the IowaCare  
22 account in the month of July 2012, following the  
23 January 1 through June 30, 2012, period.>

24 88. Page 61, line 10, by striking <6,000,000> and  
25 inserting <3,472,176>

26 89. Page 61, by striking lines 18 through 25 and  
27 inserting:

28 <6. There is appropriated from the IowaCare account  
29 created in section 249J.24 to the department of human  
30 services for the fiscal year beginning July 1, 2011,  
31 and ending June 30, 2012, the following amount, or  
32 so much thereof as is necessary to be used for the  
33 purposes designated:

34 For a care coordination pool to pay the expansion  
35 population providers consisting of the university of  
36 Iowa hospitals and clinics, the publicly owned acute  
37 care teaching hospital as specified in section 249J.7,  
38 and current medical assistance program providers that  
39 are not expansion population network providers pursuant  
40 to section 249J.7, for services covered by the full  
41 benefit medical assistance program but not under the  
42 IowaCare program pursuant to section 249J.6, that are  
43 provided to expansion population members:

44 ..... \$ 1,500,000

45 a. Notwithstanding sections 249J.6 and 249J.7,  
46 the amount appropriated in this subsection is  
47 intended to provide payment for medically necessary  
48 services provided to expansion population members for  
49 continuation of care provided by the university of  
50 Iowa hospitals and clinics or the publicly owned acute

1 care teaching hospital as specified in section 249J.7.  
2 Payment may only be made for services that are not  
3 otherwise covered under section 249J.6, and which are  
4 follow-up services to covered services provided by the  
5 hospitals specified in this paragraph "a".

6 b. The funds appropriated in this subsection are  
7 intended to provide limited payment for continuity  
8 of care services for an expansion population member,  
9 and are intended to cover the costs of services  
10 to expansion population members, regardless of  
11 the member's county of residence or medical home  
12 assignment, if the care is related to specialty or  
13 hospital services provided by the hospitals specified  
14 in paragraph "a".

15 c. The funds appropriated in this subsection are  
16 not intended to provide for expanded coverage under  
17 the IowaCare program, and shall not be used to cover  
18 emergency transportation services.

19 d. The department shall adopt administrative  
20 rules pursuant to chapter 17A to establish a prior  
21 authorization process and to identify covered services  
22 for reimbursement under this subsection.

23 7. There is appropriated from the IowaCare account  
24 created in section 249J.24 to the department of human  
25 services for the fiscal year beginning July 1, 2011,  
26 and ending June 30, 2012, the following amount or  
27 so much thereof as is necessary to be used for the  
28 purposes designated:

29 For a laboratory test and radiology pool for  
30 services authorized by a federally qualified health  
31 center designated by the department as part of the  
32 IowaCare regional provider network that does not have  
33 the capability to provide these services on site:

34 ..... \$ 500,000

35 Notwithstanding sections 249J.6 and 249J.7, the  
36 amount appropriated in this subsection is intended  
37 to provide reimbursement for services provided to  
38 expansion population members that have previously  
39 been paid for through expenditure by designated  
40 regional provider network providers of their own  
41 funds, not to expand coverage under the IowaCare  
42 program or to expand the expansion population  
43 provider network. The department shall designate the  
44 laboratory and radiology provider associated with  
45 each designated regional provider network provider  
46 that may receive reimbursement. The department shall  
47 adopt administrative rules pursuant to chapter 17A  
48 to establish a prior authorization process and to  
49 identify covered services for reimbursement under this  
50 subsection. All other medical assistance program

1 payment policies and rules for laboratory and radiology  
2 services shall apply to services provided under this  
3 subsection. If the entire amount appropriated under  
4 this subsection is expended, laboratory tests and  
5 radiology services ordered by a designated regional  
6 provider network provider shall be the financial  
7 responsibility of the regional provider network  
8 provider.>

9 90. Page 61, before line 26 by inserting:

10 <Sec. \_\_\_\_\_. APPROPRIATIONS FROM NONPARTICIPATING  
11 PROVIDER REIMBURSEMENT FUND ---- DEPARTMENT OF HUMAN  
12 SERVICES. Notwithstanding any provision to the  
13 contrary, and subject to the availability of funds,  
14 there is appropriated from the nonparticipating  
15 provider reimbursement fund created in section 249J.24A  
16 to the department of human services for the fiscal year  
17 beginning July 1, 2011, and ending June 30, 2012, the  
18 following amount or so much thereof as is necessary for  
19 the purposes designated:

20 To reimburse nonparticipating providers in  
21 accordance with section 249J.24A:

22 ..... \$ 2,000,000>

23 91. By striking page 61, line 34, through page 62,  
24 line 1.

25 92. Page 62, by striking lines 33 through 35 and  
26 inserting:

27 <10. For transfer to the department of public  
28 health to be used for the costs of medical home  
29 system advisory council established pursuant to  
30 section 135.159, including for the incorporation of  
31 the work and duties of the prevention and chronic  
32 care management advisory council pursuant to section  
33 135.161, as amended by this Act:

34 ..... \$ 233,357>

35 93. Page 64, line 3, by striking <To> and inserting  
36 <1. To>

37 94. Page 64, line 6, by striking <29,000,000> and  
38 inserting <60,496,712>

39 95. Page 64, after line 6 by inserting:

40 <2. To increase the monthly upper cost limit  
41 for services under the medical assistance home and  
42 community-based services waiver for the elderly:

43 ..... \$ 1,000,000>

44 96. Page 64, after line 22 by inserting:

45 <Sec. \_\_\_\_\_. PHARMACY ASSESSMENT TRUST FUND ----  
46 DEPARTMENT OF HUMAN SERVICES. Notwithstanding  
47 any provision to the contrary and subject to the  
48 availability of funds, there is appropriated from the  
49 pharmacy assessment trust fund created in section  
50 249N.4, as enacted in this Act, to the department of

1 human services for the fiscal year beginning July 1,  
2 2011, and ending June 30, 2012, the following amounts,  
3 or so much thereof as is necessary, for the purposes  
4 designated:

5 To supplement the appropriation made in this Act  
6 from the general fund of the state to the department of  
7 human services for medical assistance:

8 ..... \$ 17,377,252>

9 97. By striking page 70, line 22, through page 72,  
10 line 17.

11 98. Page 72, line 33, after <Grenada,> by inserting  
12 <Lebanon,>

13 99. Page 73, line 28, after <72,> by inserting  
14 <shall not revert but shall remain available in  
15 succeeding fiscal years to be used for the purposes  
16 designated until expended and any other>

17 100. Page 74, by striking lines 19 through 27 and  
18 inserting:

19 <Sec. \_\_\_\_\_. 2009 Iowa Acts, chapter 183, section 62,  
20 subsection 4, is amended to read as follows:

21 4. The financial assistance shall be for any of the  
22 following purposes:

23 a. For making temporary payments to qualifying  
24 families whose members are recently unemployed and  
25 seeking work to use in meeting immediate family needs.

26 b. For providing sliding scale subsidies for  
27 qualifying families for child care provided to the  
28 families' infants and toddlers by providers who  
29 are accredited by the national association for the  
30 education of young children or the national association  
31 for family child care, or who have a rating at level 3  
32 2 or higher under the child care quality rating system  
33 implemented pursuant to section 237A.30.

34 c. For expanding training and other support for  
35 infant care providers in the community and this state.

36 d. For ensuring child care environments are healthy  
37 and safe.

38 e. For promoting positive relationships between  
39 parents and providers in their mutual efforts to care  
40 for very young children.

41 f. For ensuring that parents have the information  
42 and resources needed to choose quality child care.>

43 101. By striking page 74, line 28, through page 75,  
44 line 7.

45 102. Page 76, after line 31 by inserting:

46 <CHILD WELFARE TRAINING ACADEMY

47 Sec. \_\_\_\_\_. 2010 Iowa Acts, chapter 1192, section 19,  
48 subsection 22, is amended to read as follows:

49 22. Of the funds appropriated in this section,  
50 at least \$47,158 shall be used for the child welfare

1 training academy. Notwithstanding section 8.33, moneys  
2 allocated in this subsection that remain unencumbered  
3 or unobligated at the close of the fiscal year shall  
4 not revert but shall remain available for expenditure  
5 for the purposes designated until the close of the  
6 succeeding fiscal year.>>

7 103. Page 76, line 32, after <TRANSFER> by  
8 inserting <AND NONREVERSION>

9 104. Page 76, line 34, by striking <subsection> and  
10 inserting <subsections>

11 105. Page 77, after line 4 by inserting:  
12 <NEW SUBSECTION. 5. Notwithstanding section  
13 8.33, moneys appropriated in this section that remain  
14 unencumbered or unobligated at the close of the fiscal  
15 year shall not revert but shall remain available for  
16 expenditure for the purposes designated until the close  
17 of the succeeding fiscal year.>

18 106. Page 77, after line 4 by inserting:

19 <DEPARTMENT OF HUMAN SERVICES ---- FIELD OPERATIONS

20 Sec. \_\_\_\_\_. 2010 Iowa Acts, chapter 1192, section  
21 29, is amended by adding the following new unnumbered  
22 paragraph:

23 NEW UNNUMBERED PARAGRAPH Notwithstanding section  
24 8.33, moneys appropriated in this section that remain  
25 unencumbered or unobligated at the close of the fiscal  
26 year shall not revert but shall remain available for  
27 expenditure for the purposes designated until the close  
28 of the succeeding fiscal year.

29 DEPARTMENT OF HUMAN SERVICES ---- GENERAL ADMINISTRATION

30 Sec. \_\_\_\_\_. 2010 Iowa Acts, chapter 1192, section 30,  
31 is amended by adding the following new subsection:

32 NEW SUBSECTION. 5. Notwithstanding section 8.33,  
33 moneys appropriated in this section and the designated  
34 allocations that remain unencumbered or unobligated  
35 at the close of the fiscal year shall not revert but  
36 shall remain available for expenditure for the purposes  
37 designated until the close of the succeeding fiscal  
38 year.>

39 107. Page 77, before line 30 by inserting:

40 <QUALITY ASSURANCE TRUST FUND ---- DEPARTMENT OF HUMAN  
41 SERVICES>

42 108. Page 79, after line 3 by inserting:

43 <STATE INSTITUTION ---- APPROPRIATION TRANSFERS

44 Sec. \_\_\_\_\_. DEPARTMENT OF HUMAN SERVICES. There  
45 is transferred between the following designated  
46 appropriations made to the department of human services  
47 for the fiscal year beginning July 1, 2010, and ending  
48 June 30, 2011, not more than the following amounts:

49 1. From the appropriation made for purposes of the  
50 state resource center at Glenwood in 2010 Iowa Acts,

1 chapter 1192, section 25, subsection 1, paragraph "a",  
2 to the appropriation made for purposes of the Iowa  
3 juvenile home at Toledo in 2010 Iowa Acts, chapter  
4 1192, section 17, subsection 1:  
5 ..... \$ 400,000  
6 2. From the appropriation made for purposes of the  
7 state resource center at Woodward in 2010 Iowa Acts,  
8 chapter 1192, section 25, subsection 1, paragraph "b",  
9 to the appropriation made for purposes of the state  
10 mental health institute at Independence in 2010 Iowa  
11 Acts, chapter 1192, section 24, subsection 1, paragraph  
12 "c":  
13 ..... \$ 400,000>  
14 109. Page 79, by striking lines 4 through 14.  
15 110. Page 81, after line 2 by inserting:  
16 <Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. The section  
17 of this division of this Act making transfers between  
18 appropriations made to the department of human services  
19 for state institutions in 2010 Iowa Acts, chapter 1192,  
20 applies retroactively to January 1, 2011.>  
21 111. Page 82, after line 3 by inserting:  
22 <Sec. \_\_\_\_\_. Section 29C.20B, Code 2011, is amended  
23 to read as follows:  
24 29C.20B Disaster case management.  
25 1. ~~The rebuild Iowa office~~ homeland security  
26 and emergency management division shall work with  
27 the department of human services and nonprofit,  
28 voluntary, and faith-based organizations active  
29 in disaster recovery and response in coordination  
30 with ~~the homeland security and emergency management~~  
31 ~~division~~ the department of human services to establish  
32 a statewide system of disaster case management to be  
33 activated following the governor's proclamation of  
34 a disaster emergency or the declaration of a major  
35 disaster by the president of the United States for  
36 individual assistance purposes. Under the system, the  
37 ~~department of human services~~ homeland security and  
38 emergency management division shall coordinate case  
39 management services locally through local committees  
40 as established in each local emergency management  
41 commission's emergency plan. ~~Beginning July 1,~~  
42 ~~2011, the department of human services shall assume~~  
43 ~~the duties of the rebuild Iowa office under this~~  
44 ~~subsection.~~  
45 2. ~~The department of human services~~ homeland  
46 security and emergency management division, in  
47 conjunction with the ~~rebuild Iowa office~~, ~~the homeland~~  
48 ~~security and emergency management division~~ department  
49 of human services, and an Iowa representative to  
50 the national voluntary organizations active in

1 disaster, shall adopt rules pursuant to chapter 17A to  
2 create coordination mechanisms and standards for the  
3 establishment and implementation of a statewide system  
4 of disaster case management which shall include at  
5 least all of the following:

- 6 a. Disaster case management standards.
- 7 b. Disaster case management policies.
- 8 c. Reporting requirements.
- 9 d. Eligibility criteria.
- 10 e. Coordination mechanisms necessary to carry out
- 11 the services provided.
- 12 f. Develop formal working relationships with
- 13 agencies and create interagency agreements for
- 14 those considered to provide disaster case management
- 15 services.
- 16 g. Coordination of all available services for
- 17 individuals from multiple agencies.>

18 112. Page 82, after line 3 by inserting:

19 <Sec. \_\_\_\_\_. Section 135.106, Code 2011, is amended  
20 by adding the following new subsection:

21 NEW SUBSECTION. 4. It is the intent of the general  
22 assembly that priority for home visitation funding be  
23 given to approaches using evidence-based or promising  
24 models for home visitation.>

25 113. Page 82, after line 3 by inserting:

26 <Sec. \_\_\_\_\_. Section 135H.6, subsection 8, Code 2011,  
27 is amended to read as follows:

28 8. The department of human services may give  
29 approval to conversion of beds approved under  
30 subsection 6, to beds which are specialized to provide  
31 substance abuse treatment. However, the total number  
32 of beds approved under subsection 6 and this subsection  
33 shall not exceed four hundred thirty. Conversion of  
34 beds under this subsection shall not require a revision  
35 of the certificate of need issued for the psychiatric  
36 institution making the conversion. Beds for children  
37 who do not reside in this state and whose service costs  
38 are not paid by public funds in this state are not  
39 subject to the limitations on the number of beds and  
40 certificate of need requirements otherwise applicable  
41 under this section.>

42 114. Page 82, after line 31 by inserting:

43 <Sec. \_\_\_\_\_. Section 154A.24, subsection 3, paragraph  
44 s, Code 2011, is amended by striking the paragraph.>

45 115. Page 82, after line 31 by inserting:

46 <Sec. \_\_\_\_\_. NEW SECTION. 155A.43 Pharmaceutical  
47 collection and disposal program ---- annual allocation.

48 Of the fees collected pursuant to sections 124.301  
49 and 147.80 and chapter 155A by the board of pharmacy,  
50 and retained by the board pursuant to section 147.82,

1 not more than one hundred twenty-five thousand  
2 dollars, may be allocated annually by the board for  
3 administering the pharmaceutical collection and  
4 disposal program originally established pursuant to  
5 2009 Iowa Acts, chapter 175, section 9. The program  
6 shall provide for the management and disposal of  
7 unused, excess, and expired pharmaceuticals. The  
8 board of pharmacy may cooperate with the Iowa pharmacy  
9 association and may consult with the department and  
10 sanitary landfill operators in administering the  
11 program.>

12 116. Page 82, after line 31 by inserting:

13 <Sec. \_\_\_\_\_. Section 225B.8, Code 2011, is amended to  
14 read as follows:

15 225B.8 Repeal.

16 This chapter is repealed July 1, ~~2011~~2016.>

17 117. Page 83, after line 9 by inserting:

18 <Sec. \_\_\_\_\_. Section 235B.19, Code 2011, is amended  
19 by adding the following new subsection:

20 NEW SUBSECTION. 2A. a. The department shall  
21 serve a copy of the petition and any order authorizing  
22 protective services, if issued, on the dependent adult  
23 and on persons who are competent adults and reasonably  
24 ascertainable at the time the petition is filed in  
25 accordance with the following priority:

26 (1) An attorney in fact named by the dependent  
27 adult in a durable power of attorney for health care  
28 pursuant to chapter 144B.

29 (2) The dependent adult's spouse.

30 (3) The dependent adult's children.

31 (4) The dependent adult's grandchildren.

32 (5) The dependent adult's siblings.

33 (6) The dependent adult's aunts and uncles.

34 (7) The dependent adult's nieces and nephews.

35 (8) The dependent adult's cousins.

36 b. When the department has served a person in one  
37 of the categories specified in paragraph "a", the  
38 department shall not be required to serve a person in  
39 any other category.

40 c. The department shall serve the dependent adult's  
41 copy of the petition and order personally upon the  
42 dependent adult. Service of the petition and all other  
43 orders and notices shall be in a sealed envelope with  
44 the proper postage on the envelope, addressed to the  
45 person being served at the person's last known post  
46 office address, and deposited in a mail receptacle  
47 provided by the United States postal service. The  
48 department shall serve such copies of emergency orders  
49 authorizing protective services and notices within  
50 three days after filing the petition and receiving such

1 orders.

2 d. The department and all persons served by the  
3 department with notices under this subsection shall  
4 be prohibited from all of the following without prior  
5 court approval after the department's petition has been  
6 filed:

7 (1) Selling, removing, or otherwise disposing of  
8 the dependent adult's personal property.

9 (2) Withdrawing funds from any bank, savings and  
10 loan association, credit union, or other financial  
11 institution, or from an account containing securities  
12 in which the dependent adult has an interest.>

13 118. Page 83, after line 9 by inserting:

14 <Sec. \_\_\_\_\_. Section 237A.1, subsection 3, paragraph  
15 n, Code 2011, is amended to read as follows:

16 n. A program offered to a child whose parent,  
17 guardian, or custodian is engaged solely in a  
18 recreational or social activity, remains immediately  
19 available and accessible on the physical premises on  
20 which the child's care is provided, and does not engage  
21 in employment while the care is provided. However,  
22 if the recreational or social activity is provided in  
23 a fitness center or on the premises of a nonprofit  
24 organization the parent, guardian, or custodian of the  
25 child may be employed to teach or lead the activity.>

26 119. Page 83, after line 9 by inserting:

27 <Sec. \_\_\_\_\_. Section 249A.4B, subsection 2, paragraph  
28 a, subparagraph (18), Code 2011, is amended to read as  
29 follows:

30 (18) The ~~Iowa/Nebraska~~ Iowa primary care  
31 association.>

32 120. Page 83, after line 9 by inserting:

33 <Sec. \_\_\_\_\_. NEW SECTION. 261.113 Licensed social  
34 worker loan repayment program.

35 1. A licensed social worker loan repayment program  
36 is established, to be administered by the college  
37 student aid commission for the purpose of increasing  
38 the number of social workers serving in critical human  
39 service areas. For purposes of this section, "critical  
40 human service area" includes but is not limited to an  
41 area of the state with a shortage of social workers  
42 providing health, mental health, substance abuse,  
43 aging, HIV/AIDS, victim, or child welfare services, or  
44 communities with multilingual needs. These areas shall  
45 be designated by the college student aid commission,  
46 in consultation with a committee comprised of one  
47 representative each from the commission, the department  
48 of public health, and the department of human services.

49 2. The contract for the loan repayment shall  
50 stipulate the time period the licensed social worker

1 shall practice in a critical human service area.  
2 In addition, the contract shall stipulate that the  
3 licensed social worker repay any funds paid on the  
4 person's loan by the commission if the person fails  
5 to practice in a critical human service area for the  
6 required period of time.

7 Sec. \_\_\_\_\_. NEW SECTION. 261.114 Licensed social  
8 worker loan repayment revolving fund.

9 1. A licensed social worker loan repayment  
10 revolving fund is created in the state treasury as a  
11 separate fund under the control of the commission.  
12 The commission shall deposit payments made by program  
13 participants under section 261.113, subsection 2,  
14 moneys appropriated for purposes of the licensed social  
15 worker loan repayment program, and any other available  
16 funds into the loan repayment revolving fund. Moneys  
17 in the fund shall be used for purposes of the licensed  
18 social worker loan repayment program. Notwithstanding  
19 section 8.33, moneys deposited in the fund shall  
20 not revert to any fund of the state at the end of  
21 any fiscal year but shall remain in the fund and be  
22 continuously available for the program.

23 2. Notwithstanding section 12C.7, subsection 2,  
24 interest or earnings on moneys deposited in the fund  
25 shall be credited to the fund.

26 3. a. The annual amount of loan repayment is six  
27 thousand five hundred dollars for individuals who  
28 have provided full-time social work services in a  
29 critical human service area in the year prior to such  
30 application, provided that no recipient shall receive  
31 loan repayment that exceeds the total remaining balance  
32 of the student loan debt and that no recipient shall  
33 receive cumulative awards in excess of twenty-five  
34 thousand dollars.

35 b. Awards shall be within the amounts appropriated  
36 for such purpose and based on availability of funds.

37 4. Loan repayment awards shall be made annually to  
38 applicants in the following order of priority:

39 a. First priority is given to applicants who have  
40 received payment of an award pursuant to this section  
41 in a prior year and who have provided social work  
42 services in a critical human service area in the year  
43 prior to such application.

44 b. Second priority is given to applicants who have  
45 not received payment of an award pursuant to this  
46 section in a prior year and who have provided social  
47 work services in a critical human service area in the  
48 year prior to such application.

49 c. Third priority is given to applicants who  
50 are economically disadvantaged, as defined by the

1 commission.

2 5. The commission shall adopt rules pursuant to  
3 chapter 17A to administer this section.>

4 121. Page 83, by striking lines 10 through 19.

5 122. Page 83, after line 21 by inserting:

6 <DIVISION \_\_\_\_\_

7 MEDICAID PRESCRIPTION DRUGS

8 Sec. \_\_\_\_\_. Section 249A.20A, subsection 4, Code  
9 2011, is amended to read as follows:

10 4. With the exception of drugs prescribed for the  
11 treatment of human immunodeficiency virus or acquired  
12 immune deficiency syndrome, transplantation, or cancer  
13 and drugs prescribed for mental illness with the  
14 exception of drugs and drug compounds that do not  
15 have a significant variation in a therapeutic profile  
16 or side effect profile within a therapeutic class,  
17 prescribing and dispensing of prescription drugs not  
18 included on the preferred drug list shall be subject to  
19 prior authorization.

20 Sec. \_\_\_\_\_. 2010 Iowa Acts, chapter 1031, section  
21 348, is amended to read as follows:

22 SEC. 348. MEDICAID NONPREFERRED DRUG LIST  
23 PRESCRIBING.

24 ~~1.~~ The department shall adopt rules pursuant  
25 to chapter 17A to restrict physicians and other  
26 prescribers to prescribing not more than a 72-hour  
27 or three-day supply of a prescription drug not  
28 included on the medical assistance preferred drug list  
29 while seeking approval to continue prescribing the  
30 medication.

31 ~~2.~~ ~~Notwithstanding subsection 1, the department~~  
32 ~~shall adopt rules pursuant to chapter 17A to restrict a~~  
33 ~~physician or other prescriber prescribing a chemically~~  
34 ~~unique mental health prescription drug to prescribing~~  
35 ~~not more than a seven-day supply of the prescription~~  
36 ~~drug while requesting approval to continue to prescribe~~  
37 ~~the medication. The rules shall provide that if~~  
38 ~~an approval or disapproval is not received by the~~  
39 ~~physician or other prescriber within 48 hours of the~~  
40 ~~request, the request is deemed approved.~~

41 Sec. \_\_\_\_\_. REPEAL. 2010 Iowa Acts, chapter 1031,  
42 section 349, is repealed.

43 Sec. \_\_\_\_\_. RESCINDING AND ADOPTION OF RULES. The  
44 department of human services shall rescind the rules  
45 adopted pursuant to 2010 Iowa Acts, chapter 1031,  
46 section 347, chapter 1031, section 348, subsection  
47 2, and chapter 1031, section 349, and shall instead  
48 adopt emergency rules under section 17A.4, subsection  
49 3, and section 17A.5, subsection 2, paragraph "b",  
50 to implement section 249A.20A, as amended in this

1 division of this Act, and the rules shall be effective  
2 immediately upon filing and retroactively applicable to  
3 January 1, 2011, unless a later date is specified in  
4 the rules. Any rules adopted in accordance with this  
5 section shall also be published as a notice of intended  
6 action as provided in section 17A.4.

7 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
8 APPLICABILITY. This division of this Act, being deemed  
9 of immediate importance, takes effect upon enactment  
10 and applies retroactively to January 1, 2011.>

11 123. Page 83, after line 21 by inserting:

12 <DIVISION \_\_\_\_  
13 IOWA FALSE CLAIMS ACT

14 Sec. \_\_\_\_\_. Section 685.1, subsection 11, Code 2011,  
15 is amended to read as follows:

16 11. "Original source" means an individual who ~~has~~  
17 ~~direct and independent~~ prior to a public disclosure  
18 under section 685.3, subsection 5, paragraph "c", has  
19 voluntarily disclosed to the state the information on  
20 which the allegations or transactions in a claim are  
21 based; or who has knowledge of the information on which  
22 the allegations are based that is independent of and  
23 materially adds to the publicly disclosed allegations  
24 or transactions, and has voluntarily provided the  
25 information to the state before filing an action under  
26 ~~section 685.3 which is based on the information this~~  
27 chapter.

28 Sec. \_\_\_\_\_. Section 685.1, Code 2011, is amended by  
29 adding the following new subsection:

30 NEW SUBSECTION. 15. "State" means the state of  
31 Iowa.

32 Sec. \_\_\_\_\_. Section 685.2, subsection 1, unnumbered  
33 paragraph 1, Code 2011, is amended to read as follows:

34 A person who commits any of the following acts is  
35 jointly and severally liable to the state for a civil  
36 penalty of not less than five thousand dollars and  
37 not more than ten thousand dollars the civil penalty  
38 allowed under the federal False Claims Act, as codified  
39 in 31 U.S.C. { 3729 et seq., as may be adjusted in  
40 accordance with the inflation adjustment procedures  
41 prescribed in the federal Civil Penalties Inflation  
42 Adjustment Act of 1990, Pub. L. No. 101-410, for each  
43 false or fraudulent claim, plus three times the amount  
44 of damages which the state sustains because of the act  
45 of that person:

46 Sec. \_\_\_\_\_. Section 685.3, subsection 5, paragraph  
47 c, Code 2011, is amended by striking the paragraph and  
48 inserting in lieu thereof the following:

49 c. A court shall dismiss an action or claim  
50 under this section, unless opposed by the state, if

1 substantially the same allegations or transactions as  
2 alleged in the action or claim were publicly disclosed  
3 in a state criminal, civil, or administrative hearing  
4 in which the state or an agent of the state is a  
5 party; in a state legislative, state auditor, or other  
6 state report, hearing, audit, or investigation; or  
7 by the news media, unless the action is brought by  
8 the attorney general or the qui tam plaintiff is an  
9 original source of the information.

10 Sec. \_\_\_\_\_. Section 685.3, subsection 6, Code 2011,  
11 is amended to read as follows:

12 6. a. Any employee, contractor, or agent ~~who~~  
13 shall be entitled to all relief necessary to make  
14 that employee, contractor, or agent whole, if that  
15 employee, contractor, or agent is discharged, demoted,  
16 suspended, threatened, harassed, or in any other manner  
17 discriminated against in the terms and conditions of  
18 employment because of lawful acts performed done by  
19 the employee, contractor, or agent on behalf of the  
20 employee, contractor, or agent or associated others in  
21 furtherance of an action under this section or other  
22 efforts to stop a violation one or more violations of  
23 this chapter, shall be entitled to all relief necessary  
24 to make the employee, contractor, or agent whole. Such  
25 relief

26 b. Relief under paragraph "a" shall include  
27 reinstatement with the same seniority status such  
28 that employee, contractor, or agent would have had  
29 but for the discrimination, two times the amount of  
30 back pay, interest on the back pay, and compensation  
31 for any special damages sustained as a result of  
32 the discrimination, including litigation costs and  
33 reasonable attorney fees. An employee, contractor, or  
34 agent may bring an action under this subsection may be  
35 brought in the appropriate district court of the state  
36 for the relief provided in this subsection.

37 c. A civil action under this subsection shall not  
38 be brought more than three years after the date when  
39 the retaliation occurred.

40 DIVISION \_\_\_\_\_

41 VOLUNTEER HEALTH CARE PROVIDER PROGRAM

42 <Sec. \_\_\_\_\_. Section 135.24, subsection 2, Code 2011,  
43 is amended by adding the following new paragraph:

44 NEW PARAGRAPH. e. Procedures for a hospital to  
45 register and act as a sponsor entity for the program.  
46 A hospital acting as a sponsor entity under this  
47 paragraph shall enter into an agreement with the  
48 program to allow an individual health care provider  
49 who registers and complies with the requirements of  
50 this section to deliver free health care services to

1 uninsured and underinsured individuals at the sponsor  
2 entity location. The sponsor entity shall not bill,  
3 charge, or receive compensation and shall not be  
4 considered a state agency under chapter 669 when acting  
5 as a sponsor entity under this paragraph.

6 Sec. \_\_\_\_\_. Section 135.24, subsection 3, paragraph  
7 b, Code 2011, is amended to read as follows:

8 b. Provided medical, dental, chiropractic,  
9 pharmaceutical, nursing, optometric, psychological,  
10 social work, behavioral science, podiatric, physical  
11 therapy, occupational therapy, respiratory therapy, or  
12 emergency medical care services through a hospital,  
13 clinic, free clinic, field dental clinic, specialty  
14 health care provider office, or other health care  
15 facility, health care referral program, or charitable  
16 organization listed as eligible and participating by  
17 the department pursuant to subsection 1 or through  
18 a hospital that has entered into a sponsor entity  
19 agreement as described in subsection 2.>

20 DIVISION \_\_\_\_\_

21 HEALTH CARE COST CONTAINMENT

22 Sec. \_\_\_\_\_. ALL-PAYER CLAIMS DATABASE PLAN. The  
23 department of human services shall develop a plan to  
24 establish an all-payer claims database to provide  
25 for the collection and analysis of claims data from  
26 multiple payers of health care. The plan shall  
27 establish the goals of the database which may include  
28 but are not limited to determining health care  
29 utilization patterns and rates; identifying gaps in  
30 prevention and health promotion services; evaluating  
31 access to care; assisting with benefit design and  
32 planning; analyzing statewide and local health care  
33 expenditures by provider, employer, and geography;  
34 informing the development of payment systems for  
35 providers; and establishing clinical guidelines related  
36 to quality, safety, and continuity of care. The plan  
37 shall identify a standard means of data collection,  
38 statutory changes necessary to the collection and  
39 use of the data, and the types of claims for which  
40 collection of data is required which may include  
41 but are not limited to eligibility data; provider  
42 information; medical data; private and public medical,  
43 pharmacy, and dental claims data; and other appropriate  
44 data. The plan shall also include an implementation  
45 and maintenance schedule including a proposed budget  
46 and funding plan and vision for the future.

47 Sec. \_\_\_\_\_. PROVIDER PAYMENT SYSTEM PLAN ---- PILOT  
48 PROJECT. The department of human services shall  
49 develop a provider payment system plan to provide  
50 recommendations to reform the health care provider

1 payment system as an effective way to promote  
2 coordination of care, lower costs, and improve quality.  
3 The plan shall provide analysis and recommendations  
4 regarding but not limited to accountable care  
5 organizations, a global payment system, or an episode  
6 of care payment system.

7 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
8 of this Act, being deemed of immediate importance,  
9 takes effect upon enactment.>

10 124. Page 83, after line 21 by inserting:

11 <DIVISION \_\_\_\_\_  
12 NURSING FACILITY QUALITY ASSURANCE ASSESSMENT PROGRAM

13 Sec. \_\_\_\_\_. Section 249L.2, Code 2011, is amended by  
14 adding the following new subsection:

15 NEW SUBSECTION. 8A. "Patient service revenue" means  
16 the total Medicaid, Medicare, and private pay revenues  
17 as they correlate with the Medicaid cost reports.

18 Sec. \_\_\_\_\_. Section 249L.3, subsection 1, paragraph  
19 d, Code 2011, is amended to read as follows:

20 d. The aggregate quality assurance assessments  
21 imposed under this chapter shall not exceed the lower  
22 of ~~three~~ five percent of the aggregate ~~non-Medicare~~  
23 patient service revenues of a nursing facility or the  
24 maximum amount that may be assessed pursuant to the  
25 indirect guarantee threshold as established pursuant to  
26 42 C.F.R. { 433.68(f)(3)(i), and shall be stated on a  
27 per-patient-day basis.

28 Sec. \_\_\_\_\_. Section 249L.4, subsection 2, Code 2011,  
29 is amended to read as follows:

30 2. a. Moneys in the trust fund shall be used,  
31 subject to their appropriation by the general assembly,  
32 by the department only for reimbursement of services  
33 for which federal financial participation under the  
34 medical assistance program is available to match state  
35 funds.

36 b. Any moneys appropriated from the trust fund for  
37 reimbursement of nursing facilities, in addition to  
38 the quality assurance assessment pass-through and the  
39 quality assurance assessment rate add-on which shall be  
40 used as specified in subsection 5, paragraph "b", shall  
41 be used in a manner such that no less than thirty-five  
42 percent of the amount received by a nursing facility  
43 is used for increases in compensation and costs  
44 of employment for direct care workers, and no less  
45 than sixty percent of the total is used to increase  
46 compensation and costs of employment for all nursing  
47 facility staff. For the purposes of use of such  
48 funds, "direct care worker", "nursing facility staff",  
49 "increases in compensation", and "costs of employment"  
50 mean as defined or specified in this chapter.

1 c. One million dollars of the moneys in the trust  
2 fund shall be used to increase the monthly upper cost  
3 limit for services under the medical assistance home  
4 and community-based services waiver for the elderly.

5 Sec. \_\_\_\_\_. Section 249L.4, subsection 5, paragraph  
6 a, subparagraph (2), Code 2011, is amended to read as  
7 follows:

8 (2) A quality assurance assessment rate  
9 add-on. This rate add-on shall be calculated on a  
10 per-patient-day basis for medically indigent residents.  
11 The amount paid to a nursing facility as a quality  
12 assurance assessment rate add-on shall ~~be ten~~ not  
13 exceed fifteen dollars per patient day.

14 Sec. \_\_\_\_\_. DIRECTIVE TO DEPARTMENT OF HUMAN  
15 SERVICES. Upon enactment of this division of this Act,  
16 the department of human services shall request any  
17 medical assistance state plan amendment necessary to  
18 implement the revisions to the nursing facility quality  
19 assurance assessment program specified in this division  
20 of this Act from the centers for Medicare and Medicaid  
21 services of the United States department of health and  
22 human services.

23 Sec. \_\_\_\_\_. CONTINGENCY PROVISION. The revised  
24 quality assurance assessment specified in this Act  
25 shall accrue beginning July 1, 2011. However, accrued  
26 quality assurance assessments shall not be collected  
27 prior to completion of both of the following:

28 1. The approval of the medical assistance state  
29 plan amendment necessary to implement the revisions  
30 specified in this division of this Act by the centers  
31 for Medicare and Medicaid services of the United States  
32 department of health and human services.

33 2. An appropriation enacted by the general assembly  
34 to implement the revised nursing facility provider  
35 reimbursements as provided in this Act.

36 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT AND  
37 APPLICABILITY. This division of this Act, being deemed  
38 of immediate importance, takes effect upon enactment.  
39 However, the department of human services shall only  
40 implement this division of this Act if the department  
41 receives approval of the state plan amendment necessary  
42 to implement the revisions to the nursing facility  
43 quality assurance assessment program as specified in  
44 this division of this Act.>

45 125. Page 83, after line 21 by inserting:

46 <DIVISION \_\_\_\_  
47 PHARMACY ASSESSMENT

48 Sec. \_\_\_\_\_. NEW SECTION. 249N.1 Title.

49 This chapter shall be known and may be cited as the  
50 "Pharmacy Assessment Program".

1 Sec. \_\_\_\_\_. NEW SECTION. 249N.2 Definitions.

2 As used in this chapter, unless the context

3 otherwise requires:

4 1. "Department" means the department of human  
5 services.

6 2. "Pharmacy" means pharmacy as defined in section  
7 155A.3.

8 Sec. \_\_\_\_\_. NEW SECTION. 249N.3 Pharmacy assessment  
9 program.

10 1. Beginning July 1, 2011, or the implementation  
11 date of the pharmacy assessment program as determined  
12 by receipt of approval from the centers for Medicare  
13 and Medicaid services of the United States department  
14 of health and human services, whichever is later, a  
15 pharmacy in this state shall be assessed a fee based  
16 on a methodology determined by the department in  
17 consultation with pharmacy representatives. Pharmacies  
18 domiciled or headquartered outside the state that are  
19 engaged in prescription drug sales that are delivered  
20 directly to patients within the state via common  
21 carrier, mail, or a carrier service are not subject to  
22 the provisions of this chapter.

23 2. The aggregate assessment imposed under this  
24 section shall not exceed the maximum amount that may be  
25 assessed pursuant to the indirect guarantee threshold  
26 as established pursuant to 42 C.F.R. { 433.68(f)(3)(i),  
27 and shall be stated on a per prescription basis.

28 3. The assessment shall be paid by or on behalf of  
29 each pharmacy to the department on a quarterly basis.  
30 The department shall prepare and distribute a form  
31 upon which pharmacies shall calculate and report the  
32 assessment. A pharmacy shall submit the completed  
33 form with the assessment amount no later than the last  
34 day of the month following the end of each calendar  
35 quarter. The department may deduct the monthly amount  
36 from medical assistance payments to a pharmacy. The  
37 amount deducted from the payments shall not exceed the  
38 total amount of the assessment due.

39 4. A pharmacy shall retain and preserve for a  
40 period of three years such books and records as may be  
41 necessary to determine the amount of the assessment  
42 for which the pharmacy is liable under this chapter.  
43 The department may inspect and copy the books and  
44 records of a pharmacy for the purpose of auditing  
45 the calculation of the assessment. All information  
46 obtained by the department under this subsection is  
47 confidential and does not constitute a public record.

48 5. The department shall collect the assessment  
49 imposed and shall deposit all revenues collected in  
50 the pharmacy assessment trust fund created in section

1 249N.4.

2 6. a. A pharmacy that fails to pay the assessment  
3 within the time frame specified in this section  
4 shall pay, in addition to the outstanding assessment,  
5 a penalty of one and five-tenths percent of the  
6 assessment amount owed for each month or portion of  
7 each month that the payment is overdue.

8 b. If the assessment has not been received by the  
9 department by seven days after the last day of the  
10 month in which the payment is due, the department shall  
11 withhold an amount equal to the assessment and penalty  
12 owed from any payment due such pharmacy under the  
13 medical assistance program.

14 c. The assessment imposed under this section  
15 constitutes a debt due the state and may be collected  
16 by civil action, including but not limited to the  
17 filing of tax liens, and any other method provided for  
18 by law.

19 d. Any penalty collected pursuant to this  
20 subsection shall be credited to the pharmacy assessment  
21 trust fund.

22 7. a. If pharmacies are not reimbursed at the  
23 reimbursement rates established pursuant to this  
24 chapter, the department shall terminate the imposition  
25 of the assessment under this section no later than  
26 ninety days from the date such reimbursement takes  
27 effect.

28 b. If federal financial participation to match the  
29 assessments made under this section becomes unavailable  
30 under federal law, the department shall terminate the  
31 imposition of the assessments beginning on the date the  
32 federal statutory, regulatory, or interpretive change  
33 takes effect.

34 Sec. \_\_\_\_\_. NEW SECTION. 249N.4 Pharmacy assessment  
35 trust fund.

36 1. A pharmacy assessment trust fund is created  
37 in the state treasury under the authority of the  
38 department. Moneys received through the collection of  
39 the pharmacy assessment imposed under this chapter and  
40 any other moneys specified for deposit in the trust  
41 fund shall be deposited in the trust fund.

42 2. Moneys in the trust fund shall be used, subject  
43 to their appropriation by the general assembly, by  
44 the department only for reimbursement of services for  
45 which federal financial participation under the medical  
46 assistance program is available to match state funds.

47 3. Beginning July 1, 2011, or the implementation  
48 date of the pharmacy assessment program as determined  
49 by receipt of approval from the centers for Medicare  
50 and Medicaid services of the United States department

1 of health and human services, whichever is later,  
2 moneys that are appropriated from the trust fund for  
3 reimbursement to pharmacies shall be used to provide  
4 the following pharmacy reimbursement adjustment  
5 increases within the parameters specified:

6 a. Enhanced generic prescription drug dispensing  
7 fee. The department shall reimburse pharmacy  
8 dispensing fees using a rate of four dollars and  
9 thirty-four cents per prescription plus the enhanced  
10 generic prescription drug dispensing fee per generic  
11 prescription.

12 b. Enhanced brand name prescription drug dispensing  
13 fee. The department shall reimburse pharmacy  
14 dispensing fees using a rate of four dollars and  
15 thirty-four cents per prescription plus the enhanced  
16 brand name prescription drug dispensing fee per brand  
17 name prescription.

18 4. Appropriations from the trust fund shall be  
19 based on the following:

20 a. For the fiscal year beginning July 1, 2011,  
21 fifty-one percent of the moneys in the trust fund shall  
22 be appropriated for reimbursement to pharmacies.

23 b. For the fiscal year beginning July 1, 2012,  
24 seventy-five percent of the moneys in the trust fund  
25 shall be appropriated for reimbursement to pharmacies.

26 5. Any payments made to pharmacies under this  
27 section shall result in budget neutrality to the  
28 general fund of the state.

29 6. The trust fund shall be separate from the  
30 general fund of the state and shall not be considered  
31 part of the general fund of the state. The moneys  
32 in the trust fund shall not be considered revenue of  
33 the state, but rather shall be funds of the pharmacy  
34 assessment program. The moneys deposited in the  
35 trust fund are not subject to section 8.33 and shall  
36 not be transferred, used, obligated, appropriated,  
37 or otherwise encumbered, except to provide for the  
38 purposes of this chapter. Notwithstanding section  
39 12C.7, subsection 2, interest or earnings on moneys  
40 deposited in the trust fund shall be credited to the  
41 trust fund.

42 7. The department shall adopt rules pursuant  
43 to chapter 17A to administer the trust fund and  
44 reimbursements made from the trust fund.

45 8. The department shall report annually to the  
46 general assembly regarding the use of moneys deposited  
47 in the trust fund and appropriated to the department.

48 Sec. \_\_\_\_\_. NEW SECTION. 249N.5 REPEAL.

49 This chapter is repealed June 30, 2013.

50 Sec. \_\_\_\_\_. DIRECTIVE TO DEPARTMENT OF HUMAN

1 SERVICES. Upon enactment of this division of this Act,  
2 the department of human services shall request any  
3 medical assistance state plan amendment necessary to  
4 implement this division of this Act from the centers  
5 for Medicare and Medicaid services of the United States  
6 department of health and human services.

7 Sec. \_\_\_\_\_. CONTINGENCY PROVISIONS.

8 1. The pharmacy assessment imposed pursuant to this  
9 division of this Act shall not be imposed retroactively  
10 prior to July 1, 2011.

11 2. The pharmacy assessment shall not be collected  
12 until the department of human services has received  
13 approval of the assessment from the centers for  
14 Medicare and Medicaid services of the United States  
15 department of health and human services.

16 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT AND  
17 APPLICABILITY. This division of this Act, being deemed  
18 of immediate importance, takes effect upon enactment.  
19 However, the department of human services shall only  
20 implement this division of this Act if the department  
21 receives federal approval of the requests relating to  
22 the medical assistance state plan amendment necessary  
23 to implement this division of this Act.>

24 126. Page 83, after line 21 by inserting:

25 <DIVISION \_\_\_\_\_

26 BISPHENOL A PROHIBITION

27 Sec. \_\_\_\_\_. NEW SECTION. 135.181 Bisphenol A  
28 prohibition.

29 1. As used in this section, unless the context  
30 otherwise requires:

31 a. "Infant pacifier" means a device designed to be  
32 bitten or sucked by an infant for the sole purpose of  
33 soothing or providing comfort to the infant, including  
34 soothing discomfort caused by teething.

35 b. "Reusable beverage container" means a baby bottle  
36 or spill-proof container primarily intended by the  
37 manufacturer for use by a child three years of age or  
38 younger.

39 1A. For purposes of this section, "reusable beverage  
40 container" includes disposable baby bottle liners  
41 designed to hold liquids in a baby bottle.

42 2. Beginning January 1, 2013, a person shall  
43 not manufacture, sell, or distribute in commerce in  
44 this state any infant pacifier or reusable beverage  
45 container containing bisphenol A. A manufacturer or  
46 wholesaler who sells or offers for sale in this state a  
47 reusable beverage container that is intended for retail  
48 sale shall do all of the following:

49 a. Ensure that the container is conspicuously  
50 labeled as not containing bisphenol A.

1 b. Provide the retailer with affirmation that the  
2 container does not contain bisphenol A.

3 3. A manufacturer shall use the least toxic  
4 alternative when replacing bisphenol A in accordance  
5 with this section.

6 4. In complying with this section, a manufacturer  
7 shall not replace bisphenol A with a substance rated  
8 by the United States environmental protection agency  
9 as a class A, B, or C carcinogen or a substance listed  
10 on the agency's list of chemicals evaluated for  
11 carcinogenic potential as known or likely carcinogens,  
12 known to be human carcinogens, or likely to be human  
13 carcinogens.

14 5. In complying with this section, a manufacturer  
15 shall not replace bisphenol A with a reproductive  
16 toxicant that has been identified by the United States  
17 environmental protection agency as causing birth  
18 defects, reproductive harm, or developmental harm.

19 6. A person who violates this section is subject  
20 to a civil penalty of five hundred dollars for each  
21 violation.

22 Sec. \_\_\_\_\_. EFFECTIVE DATE. This division of this  
23 Act takes effect January 1, 2013.>

24 127. Page 83, after line 21 by inserting:

25 <DIVISION \_\_\_\_\_

26 HEALTH INFORMATION TECHNOLOGY

27 Sec. \_\_\_\_\_. NEW SECTION. 135D.1 Findings and intent.

28 1. The general assembly finds all of the following:

29 a. Technology used to support health-related  
30 functions is widely known as health information  
31 technology. Electronic health records are used to  
32 collect and store relevant patient health information.  
33 Electronic health records serve as a means of bringing  
34 evidence-based knowledge resources and patient  
35 information to the point of care to support better  
36 decision making and more efficient care processes.

37 b. Health information technology allows for  
38 comprehensive management of health information and its  
39 secure electronic exchange between providers, public  
40 health agencies, payers, and consumers. Broad use of  
41 health information technology should improve health  
42 care quality and the overall health of the population,  
43 increase efficiencies in administrative health care,  
44 reduce unnecessary health care costs, and help prevent  
45 medical errors.

46 c. Health information technology provides a  
47 mechanism to transform the delivery of health and  
48 medical care in Iowa and across the nation.

49 2. It is the intent of the general assembly to  
50 use health information technology as a catalyst

1 to achieve a healthier Iowa through the electronic  
2 sharing of health information. A health information  
3 network involves sharing health information across the  
4 boundaries of individual practice and institutional  
5 health settings and with consumers. The result is a  
6 public good that will contribute to improved clinical  
7 outcomes and patient safety, population health, access  
8 to and quality of health care, and efficiency in health  
9 care delivery.

10 3. It is the intent of the general assembly that  
11 the health information network shall not constitute a  
12 health benefit exchange or a health insurance exchange.

13 Sec. \_\_\_\_\_. NEW SECTION. 135D.2 Definitions.

14 For the purposes of this chapter, unless the context  
15 otherwise requires:

16 1. "Authorized" means having met the requirements  
17 as a participant for access to the health information  
18 network.

19 2. "Board" means the board of directors of Iowa  
20 e-health.

21 3. "Consumers" means people who acquire and use  
22 goods and services for personal need.

23 4. "Continuity of care document" means a summary  
24 of a patient's health information for each visit to a  
25 provider to be delivered through the health information  
26 network.

27 5. "Department" means the department of public  
28 health.

29 6. "Deputy director" means the deputy director of  
30 public health.

31 7. "Director" means the director of public health.

32 8. "Exchange" means the authorized electronic  
33 sharing of health information between providers,  
34 payers, consumers, public health agencies, the  
35 department, and other authorized participants utilizing  
36 the health information network and health information  
37 network services.

38 9. "Executive director" means the executive director  
39 of the office of health information technology.

40 10. "Health information" means any information,  
41 in any form or medium, that is created, transmitted,  
42 or received by a provider, payer, consumer, public  
43 health agency, the department, or other authorized  
44 participant, which relates to the past, present,  
45 or future physical or mental health or condition of  
46 an individual; the provision of health care to an  
47 individual; or the past, present, or future payment for  
48 the provision of health care to an individual.

49 11. "Health information network" means the exclusive  
50 statewide electronic health information network.

1 12. "Health information network services" means  
2 the exchanging of health information via the health  
3 information network; education and outreach to  
4 support connection and access to and use of the health  
5 information network; and all other activities related  
6 to the electronic exchange of health information.  
7 13. "Health Insurance Portability and Accountability  
8 Act" means the federal Health Insurance Portability  
9 and Accountability Act of 1996, Pub. L. No. 104-191,  
10 including amendments thereto and regulations  
11 promulgated thereunder.  
12 14. "Infrastructure" means technology including  
13 architecture, hardware, software, networks, terminology  
14 and standards, and policies and procedures governing  
15 the electronic exchange of health information.  
16 15. "Iowa e-health" means the collaboration  
17 between the department and other public and private  
18 stakeholders to establish, operate, and sustain an  
19 exclusive statewide health information network.  
20 16. "Iowa Medicaid enterprise" means Iowa medicaid  
21 enterprise as defined in section 249J.3.  
22 17. "Local board of health" means a city, county, or  
23 district board of health.  
24 18. "Office" means the office of health information  
25 technology within the department.  
26 19. "Participant" means an authorized provider,  
27 payer, patient, public health agency, the department,  
28 or other authorized person that has voluntarily agreed  
29 to authorize, submit, access, and disclose health  
30 information through the health information network in  
31 accordance with this chapter and all applicable laws,  
32 rules, agreements, policies, and procedures.  
33 20. "Participation and data sharing agreement" means  
34 the agreement outlining the terms of access and use for  
35 participation in the health information network.  
36 21. "Patient" means a person who has received or is  
37 receiving health services from a provider.  
38 22. "Payer" means a person who makes payments  
39 for health services, including but not limited to an  
40 insurance company, self-insured employer, government  
41 program, individual, or other purchaser that makes such  
42 payments.  
43 23. "Protected health information" means  
44 individually identifiable patient information,  
45 including demographic information, related to the past,  
46 present, or future health or condition of a person;  
47 the provision of health care to a person; or the past,  
48 present, or future payment for such health care; which  
49 is created, transmitted, or received by a participant.  
50 "Protected health information" does not include

1 education and other records that are covered under the  
2 federal Family Educational Rights and Privacy Act of  
3 1974, as codified at 20 U.S.C. 1232g, as amended; or  
4 any employment records maintained by a covered entity,  
5 as defined under the Health Insurance Portability and  
6 Accountability Act, in its role as an employer.

7 24. "Provider" means a hospital, physician clinic,  
8 pharmacy, laboratory, health service provider, or  
9 other person that is licensed, certified, or otherwise  
10 authorized or permitted by law to administer health  
11 care in the ordinary course of business or in the  
12 practice of a profession, or any other person or  
13 organization that furnishes, bills, or is paid for  
14 health care in the normal course of business.

15 25. "Public health agency" means an entity that is  
16 governed by or contractually responsible to a local  
17 board of health or the department to provide services  
18 focused on the health status of population groups and  
19 their environments.

20 26. "Purchaser" means any individual, employer,  
21 or organization that purchases health insurance or  
22 services and includes intermediaries.

23 27. "Vendor" means a person or organization that  
24 provides or proposes to provide goods or services to  
25 the department pursuant to a contract, but does not  
26 include an employee of the state, a retailer, or a  
27 state agency or instrumentality.

28 Sec. \_\_\_\_\_. NEW SECTION. 135D.3 Iowa e-health  
29 established ---- guiding principles, goals, domains.

30 1. Iowa e-health is established as a  
31 public-private, multi-stakeholder collaborative.  
32 The purpose of Iowa e-health is to develop, administer,  
33 and sustain the health information network to improve  
34 the quality, safety, and efficiency of health care  
35 available to Iowans.

36 2. Iowa e-health shall manage and operate  
37 the health information network. Nothing in  
38 this chapter shall be interpreted to impede or  
39 preclude the formation and operation of regional,  
40 population-specific, or local health information  
41 networks or their participation in the health  
42 information network.

43 3. Iowa e-health shall facilitate the exchange  
44 of health information for prevention and treatment  
45 purposes to help providers make the best health care  
46 decisions for patients and to provide patients with  
47 continuity of care regardless of the provider the  
48 patient visits.

49 4. The guiding principles of Iowa e-health include  
50 all of the following:

1 a. To engage in a collaborative, public-private,  
2 multi-stakeholder effort including providers, payers,  
3 purchasers, governmental entities, educational  
4 institutions, and consumers.  
5 b. To create a sustainable health information  
6 network which makes information available when and  
7 where it is needed.  
8 c. To ensure the health information network  
9 incorporates provider priorities and appropriate  
10 participant education.  
11 d. To instill confidence in consumers that their  
12 health information is secure, private, and accessed  
13 appropriately.  
14 e. To build on smart practices and align with  
15 federal standards to ensure interoperability within and  
16 beyond the state.  
17 5. The goals of Iowa e-health include all of the  
18 following:  
19 a. To build awareness and trust of health  
20 information technology through communication and  
21 outreach to providers and consumers.  
22 b. To safeguard privacy and security of health  
23 information shared electronically between participants  
24 through the health information network so that the  
25 health information is secure, private, and accessed  
26 only by authorized individuals and entities.  
27 c. To promote statewide deployment and use of  
28 electronic health records.  
29 d. To enable the electronic exchange of health  
30 information.  
31 e. To advance coordination of activities across  
32 state and federal governments.  
33 f. To establish a governance model for the health  
34 information network.  
35 g. To establish sustainable business and technical  
36 operations for the health information exchange.  
37 h. To secure financial resources to develop and  
38 sustain the health information network.  
39 i. To monitor and evaluate health information  
40 technology progress and outcomes.  
41 6. Iowa e-health shall include the following five  
42 domains:  
43 a. Governance. Iowa e-health shall be governed  
44 by a board of directors whose members represent  
45 stakeholders such as provider organizations and  
46 associations, providers, payers, purchasers,  
47 governmental entities, business, and consumers. Iowa  
48 e-health shall be supported by the department's office  
49 of health information technology. The board shall  
50 set direction, goals, and policies for Iowa e-health

1 and provide oversight of the business and technical  
2 operations of the health information network and health  
3 information network services.

4 b. Business and technical operations. The office of  
5 health information technology shall perform day-to-day  
6 operations to support and advance Iowa e-health, the  
7 health information network, and health information  
8 network services.

9 c. Finance. Iowa e-health shall identify and  
10 manage financial resources to achieve short-term and  
11 long-term sustainability of the health information  
12 network. The health information network shall be  
13 financed by participants based on a business model and  
14 financial sustainability plan approved by the board  
15 no later than December 31, 2011, and submitted to the  
16 governor and the general assembly. The model and plan  
17 may contemplate participant fees based on value-based  
18 principles. Fees shall not be assessed to participants  
19 prior to approval by the board and an enactment of the  
20 general assembly establishing such fees.

21 d. Technical infrastructure. Iowa e-health shall  
22 implement and manage the core infrastructure and  
23 standards to enable the safe and secure delivery of  
24 health information to providers and consumers through  
25 the health information network.

26 e. Legal and policy. Iowa e-health shall establish  
27 privacy and security policies and guidelines, and  
28 participation and data sharing agreements, to protect  
29 consumers and enforce rules for utilization of the  
30 health information network.

31 Sec. \_\_\_\_\_. NEW SECTION. 135D.4 Governance ---- board  
32 of directors ---- advisory council.

33 1. Iowa e-health shall be governed by a board of  
34 directors. Board members shall be residents of the  
35 state of Iowa. The membership of the board shall  
36 comply with sections 69.16 and 69.16A.

37 2. The board of directors shall be comprised of the  
38 following members:

39 a. The board shall include all of the following as  
40 voting members:

41 (1) Two members who represent the Iowa  
42 collaborative safety net provider network created in  
43 section 135.153, designated by the network.

44 (2) Four members who represent hospitals, two of  
45 whom are designated by the two largest health care  
46 systems in the state, one of whom is designated by the  
47 university of Iowa hospitals and clinics, and one of  
48 whom is designated by the Iowa hospital association to  
49 represent critical access hospitals.

50 (3) Two members who represent two different private

1 health insurance carriers, designated by the federation  
2 of Iowa insurers, one of which has the largest health  
3 market share in Iowa.

4 (4) One member who is a licensed physician,  
5 designated by the Iowa medical society.

6 (5) One member representing the department who is  
7 designated by the department.

8 (6) One member representing the Iowa Medicaid  
9 enterprise who is the Iowa Medicaid director, or the  
10 director's designee.

11 b. The board shall include as ex officio,  
12 nonvoting members four members of the general  
13 assembly, one appointed by the speaker of the house of  
14 representatives, one appointed by the minority leader  
15 of the house of representatives, one appointed by the  
16 majority leader of the senate, and one appointed by the  
17 minority leader of the senate.

18 3. A person shall not serve on the board in any  
19 capacity if the person is required to register as a  
20 lobbyist under section 68B.36 because of the person's  
21 activities for compensation on behalf of a profession  
22 or an entity that is engaged in providing health care,  
23 reviewing or analyzing health care, paying for health  
24 care services or procedures, or providing health  
25 information technology or health information network  
26 services.

27 4. a. Board members shall serve four-year terms  
28 but shall not serve more than two consecutive four-year  
29 terms. However, the board members who represent state  
30 agencies are not subject to term limits.

31 b. At the end of any term, a member of the  
32 board may continue to serve until the appointing or  
33 designating authority names a successor.

34 c. A vacancy on the board shall be filled for the  
35 remainder of the term in the manner of the original  
36 appointment. A vacancy in the membership of the board  
37 shall not impair the right of the remaining members to  
38 exercise all the powers and perform all the duties of  
39 the board.

40 d. A board member may be removed by the board for  
41 cause including but not limited to malfeasance in  
42 office, failure to attend board meetings, misconduct,  
43 or violation of ethical rules and standards.  
44 Nonattendance of the board members appointed by the  
45 governor shall be governed by the provisions of section  
46 69.15. A board member may be removed by a vote of the  
47 board if, based on the criteria provided in section  
48 69.15, subsection 1, paragraphs "a" and "b", the board  
49 member would be deemed to have submitted a resignation  
50 from the board.

1 e. The board members shall elect a chairperson from  
2 their membership. The department's designee shall  
3 serve as vice chairperson.

4 5. Meetings of the board shall be governed by the  
5 provisions of chapter 21.

6 a. The board shall meet upon the call of the  
7 chairperson or the vice chairperson. Notice of the  
8 time and place of each board meeting shall be given  
9 to each member. The board shall keep accurate and  
10 complete records of all of its meetings.

11 b. A simple majority of the members shall  
12 constitute a quorum to enable the transaction of any  
13 business and for the exercise of any power or function  
14 of the board. Action may be taken and motions and  
15 resolutions adopted by the affirmative vote of a  
16 majority of the members attending the meeting whether  
17 in person, by telephone, web conference, or other  
18 means. A board member shall not vote by proxy or  
19 through a delegate.

20 c. Public members of the board shall receive  
21 reimbursement for actual expenses incurred while  
22 serving in their official capacity, only if they are  
23 not eligible for reimbursement by the organization that  
24 they represent. A person who serves as a member of  
25 the board shall not by reason of such membership be  
26 entitled to membership in the Iowa public employees'  
27 retirement system or service credit for any public  
28 retirement system.

29 6. The board may exercise its powers, duties,  
30 and functions as provided in this chapter and as  
31 prescribed by law. The director and the board shall  
32 ensure that matters under the purview of the board  
33 are carried out in a manner that does not violate or  
34 risk violation of applicable state or federal laws or  
35 regulations, and that supports overriding public policy  
36 and public safety concerns, fiscal compliance, and  
37 compliance with the office of the national coordinator  
38 for health information technology state health  
39 information exchange cooperative agreement program or  
40 any other cooperative agreement programs or grants  
41 supporting Iowa e-health. The board shall do all of  
42 the following:

43 a. Participate in the selection of the executive  
44 director and assist in the development of performance  
45 standards and evaluations of the executive director.

46 b. Establish priorities among health information  
47 network services based on the needs of the population  
48 of this state.

49 c. Oversee the handling and accounting of assets  
50 and moneys received for or generated by the health

1 information network.  
2 d. Establish committees and workgroups as needed.  
3 e. Review and approve or disapprove all of the  
4 following, as proposed by the department:  
5 (1) Strategic, operational, and financial  
6 sustainability plans for Iowa e-health, the health  
7 information network, and health information network  
8 services.  
9 (2) Standards, requirements, policies, and  
10 procedures for access, use, secondary use, and privacy  
11 and security of health information network through the  
12 health information exchange, consistent with applicable  
13 federal and state standards and laws.  
14 (3) Policies and procedures for administering the  
15 infrastructure, technology, and associated professional  
16 services necessary for the business and technical  
17 operation of the health information network and health  
18 information network services.  
19 (4) Policies and procedures for evaluation of the  
20 health information network and health information  
21 network services.  
22 (5) Mechanisms for periodic review and update of  
23 policies and procedures.  
24 (6) An annual budget and fiscal report for the  
25 operations of the health information network and an  
26 annual report for Iowa e-health and health information  
27 network services.  
28 (7) Major purchases of goods and services.  
29 f. Adopt administrative rules pursuant to chapter  
30 17A to implement this chapter and relating to the  
31 management and operation of the health information  
32 network and health information network services.  
33 g. Adopt rules for monitoring access to and use  
34 of the health information network and enforcement  
35 of health information network rules, standards,  
36 requirements, policies, and procedures. The board  
37 may suspend, limit, or terminate a participant's  
38 utilization of the health information network for  
39 violation of such rules, standards, requirements,  
40 policies, or procedures, and shall establish, by rule,  
41 a process for notification, right to respond, and  
42 appeal relative to such violations.  
43 h. Have all remedies allowed by law to address any  
44 violation of the terms of the participation and data  
45 sharing agreement.  
46 i. Perform any and all other activities in  
47 furtherance of its purpose.  
48 7. a. A board member is subject to chapter 68B,  
49 the rules adopted by the Iowa ethics and campaign  
50 disclosure board, and the ethics rules and requirements

1 that apply to the executive branch of state government.  
2 b. A board member shall not participate in any  
3 matter before the board in which the board member  
4 has a direct or indirect interest in an undertaking  
5 that places the board member's personal or business  
6 interests in conflict with those of Iowa e-health,  
7 including but not limited to an interest in a  
8 procurement contract, or that may create the appearance  
9 of impropriety.

10 8. Advisory council.

11 a. An advisory council to the board is established  
12 to provide an additional mechanism for obtaining  
13 broader stakeholder advice and input regarding health  
14 information technology, the health information network,  
15 and health information network services.

16 b. The advisory council shall be comprised of the  
17 following members who shall serve two-year staggered  
18 terms:

19 (1) The following members designated as specified:

20 (a) One member who is a licensed practicing nurse  
21 in an office or clinic setting, designated by the Iowa  
22 nurses association.

23 (b) One member representing licensed pharmacists,  
24 designated by the Iowa pharmacy association.

25 (c) One member representing the Iowa healthcare  
26 collaborative, designated by the collaborative.

27 (d) One member representing substance abuse  
28 programs, designated by the Iowa behavioral health  
29 association.

30 (e) One member representing community mental  
31 health centers, designated by the Iowa association of  
32 community providers.

33 (f) One member representing long-term care  
34 providers, designated by the Iowa health care  
35 association/Iowa center for assisted living and the  
36 Iowa association of homes and services for the aging.

37 (g) One member representing licensed physicians,  
38 designated by the Iowa academy of family physicians.

39 (h) One member representing chiropractors,  
40 designated by the Iowa chiropractic society.

41 (i) One member who is a practicing physician in  
42 an office or clinic setting, designated by the Iowa  
43 osteopathic medical association.

44 (j) One member representing business interests,  
45 designated by the Iowa association of business and  
46 industry.

47 (2) The following members appointed by the board:

48 (a) One member representing the state board of  
49 health.

50 (b) One member representing academics.

1 (c) One member representing the Iowa Medicare  
2 quality improvement organization.

3 (d) One member who is the state chief information  
4 officer.

5 (e) One member representing the private  
6 telecommunications industry.

7 (f) One member representing Des Moines university.

8 (g) One member representing home health care  
9 providers.

10 (h) One member representing the department of  
11 veterans affairs.

12 c. The board may change the membership and the  
13 composition of the advisory council, by rule, to  
14 accommodate changes in stakeholder interests and the  
15 evolution of health information technology, the health  
16 information network, and health information network  
17 services. An advisory council member may be removed by  
18 a vote of the board if, based on the criteria provided  
19 in section 69.15, subsection 1, paragraphs "a" and "b",  
20 the advisory council member would be deemed to have  
21 submitted a resignation from the advisory council.

22 Sec. \_\_\_\_\_. NEW SECTION. 135D.5 Business and  
23 technical operations ---- office of health information  
24 technology.

25 1. The office of health information technology  
26 is established within the department and shall be  
27 responsible for the day-to-day business and operations  
28 of Iowa e-health, the health information network, and  
29 health information network services. The office shall  
30 be under the direction of the director and under the  
31 supervision of the deputy director.

32 2. a. The department shall employ an executive  
33 director to manage the office and the executive  
34 director shall report to the deputy director.

35 b. The executive director shall manage the planning  
36 and implementation of Iowa e-health, the health  
37 information network, and health information network  
38 services, and shall provide high-level coordination  
39 across public and private sector stakeholders.

40 c. The executive director shall serve as Iowa's  
41 health information technology coordinator and primary  
42 point of contact for the office of the national  
43 coordinator for health information technology,  
44 other federal and state agencies involved in health  
45 information technology, and state health information  
46 technology coordinators from other states.

47 3. a. The executive director and all other  
48 employees of the office shall be employees of the  
49 state, classified and compensated in accordance with  
50 chapter 8A, subchapter IV, and chapter 20.

1 b. Subject to approval of the board, the director  
2 shall have the sole power to determine the number of  
3 full-time and part-time equivalent positions necessary  
4 to carry out the provisions of this chapter.

5 c. An employee of the office shall not have a  
6 financial interest in any vendor doing business or  
7 proposing to do business with Iowa e-health.

8 4. The department shall do all of the following:

9 a. Develop, implement, and enforce the following,  
10 as approved by the board:

11 (1) Strategic, operational, and financial  
12 sustainability plans for the health information  
13 network, Iowa e-health, and health information network  
14 services.

15 (2) Standards, requirements, policies, and  
16 procedures for access, use, secondary use, and privacy  
17 and security of health information exchanged through  
18 the health information network, consistent with  
19 applicable federal and state standards and laws.

20 (3) Policies and procedures for monitoring  
21 participant usage of the health information network  
22 and health information network services; enforcing  
23 noncompliance with health information network  
24 standards, requirements, policies, rules, and  
25 procedures.

26 (4) Policies and procedures for administering  
27 the infrastructure, technology, and associated  
28 professional services required for operation of the  
29 health information network and health information  
30 network services.

31 (5) Policies and procedures for evaluation of the  
32 health information network and health information  
33 network services.

34 (6) A mechanism for periodic review and update of  
35 policies and procedures.

36 (7) An annual budget and fiscal report for the  
37 business and technical operations of the health  
38 information network and an annual report for Iowa  
39 e-health, the health information network, and health  
40 information network services. The department shall  
41 submit all such reports to the general assembly.

42 b. Convene and facilitate board, advisory council,  
43 workgroup, committee, and other stakeholder meetings.

44 c. Provide technical and operational assistance for  
45 planning and implementing Iowa e-health activities,  
46 the health information network, and health information  
47 network services.

48 d. Provide human resource, budgeting, project and  
49 activity coordination, and related management functions  
50 to Iowa e-health, the health information network, and

1 health information network services.  
2 e. Develop educational materials and educate the  
3 general public on the benefits of electronic health  
4 records, the health information network, and the  
5 safeguards available to prevent unauthorized disclosure  
6 of health information.  
7 f. Enter into participation and data sharing  
8 agreements with participants of the health information  
9 network.  
10 g. Record receipts and approval of payments, and  
11 file required financial reports.  
12 h. Apply for, acquire by gift or purchase, and  
13 hold, dispense, or dispose of funds and real or  
14 personal property from any person, governmental entity,  
15 or organization in the exercise of its powers and  
16 performance of its duties in accordance with this  
17 chapter.  
18 i. Administer grant funds in accordance with the  
19 terms of the grant and all applicable state and federal  
20 laws, rules, and regulations.  
21 j. Select and contract with vendors in compliance  
22 with applicable state and federal procurement laws and  
23 regulations.  
24 k. Coordinate with other health information  
25 technology and health information network programs and  
26 activities.  
27 l. Work to align interstate and intrastate  
28 interoperability and standards in accordance with  
29 national health information exchange standards.  
30 m. Execute all instruments necessary or incidental  
31 to the performance of its duties and the execution of  
32 its powers.  
33 Sec. \_\_\_\_\_. NEW SECTION. 135D.6 Iowa e-health  
34 finance fund.  
35 1. The Iowa e-health finance fund is created as  
36 a separate fund within the state treasury under the  
37 control of the board. Revenues, donations, gifts,  
38 interest, or other moneys received or generated  
39 relative to the operation and administration of the  
40 health information network and health information  
41 network services, shall be deposited in the fund.  
42 2. Moneys in the fund shall be expended by  
43 the department only on activities and operations  
44 suitable to the performance of the department's  
45 duties on behalf of the board and Iowa e-health as  
46 specified in this chapter, subject to board approval.  
47 Disbursements may be made from the fund for purposes  
48 related to the administration, management, operations,  
49 functions, activities, and sustainability of the health  
50 information network and health information network

1 services.

2 3. Notwithstanding section 12C.7, subsection 2,  
3 earnings or interest on moneys deposited in the fund  
4 shall be credited to the fund. Notwithstanding section  
5 8.33, any unexpended balance in the fund at the end  
6 of each fiscal year shall be retained in the fund and  
7 shall not be transferred to the general fund of the  
8 state.

9 4. The moneys in the fund shall be subject to  
10 financial and compliance audits by the auditor of  
11 state.

12 5. The general assembly may appropriate moneys  
13 in the fund to the department on behalf of Iowa  
14 e-health for the health information network and health  
15 information network services.

16 Sec. \_\_\_\_\_. NEW SECTION. 135D.7 Technical  
17 infrastructure.

18 1. The health information network shall provide  
19 a mechanism to facilitate and support the secure  
20 electronic exchange of health information between  
21 participants. The health information network shall  
22 not function as a central repository of all health  
23 information.

24 2. The health information network shall provide a  
25 mechanism for participants without an electronic health  
26 record system to access health information from the  
27 health information network.

28 3. The technical infrastructure of the health  
29 information network shall be designed to facilitate  
30 the secure electronic exchange of health information  
31 using functions including but not limited to all of the  
32 following:

33 a. A master patient index, in the absence of a  
34 single, standardized patient identifier, to exchange  
35 secure health information among participants.

36 b. A record locator service to locate and exchange  
37 secure health information among participants.

38 c. Authorization, authentication, access, and  
39 auditing processes for security controls to protect  
40 the privacy of consumers and participants and the  
41 confidentiality of health information by limiting  
42 access to the health information network and health  
43 information to participants whose identity has been  
44 authenticated, and whose access to health information  
45 is limited by their role and recorded through an audit  
46 trail.

47 d. Electronic transmission procedures and software  
48 necessary to facilitate the electronic exchange of  
49 various types of health information through the health  
50 information network.

1 e. Telecommunications through coordination of  
2 public and private networks to provide the backbone  
3 infrastructure to connect participants exchanging  
4 health information. The networks may include but  
5 are not limited to the state-owned communications  
6 network, other fiber optic networks, and private  
7 telecommunications service providers.

8 4. The state shall own or possess the rights  
9 to use all processes and software developed, and  
10 hardware installed, leased, designed, or purchased  
11 for the health information network, and shall permit  
12 participants to use the health information network  
13 and health information network services in accordance  
14 with the standards, policies, procedures, rules, and  
15 regulations approved by the board, and the terms of the  
16 participation and data sharing agreement.

17 Sec. \_\_\_\_\_. NEW SECTION. 135D.8 Legal and policy.

18 1. Upon approval from the board, the office  
19 of health information technology shall establish  
20 appropriate security standards, policies, and  
21 procedures to protect the transmission and receipt of  
22 individually identifiable health information exchanged  
23 through the health information network. The security  
24 standards, policies, and procedures shall, at a  
25 minimum, comply with the Health Insurance Portability  
26 and Accountability Act security rule pursuant to 45  
27 C.F.R. pt. 164, subpt. C, and shall reflect all of the  
28 following:

29 a. Include authorization controls, including the  
30 responsibility to authorize, maintain, and terminate a  
31 participant's use of the health information network.

32 b. Require authentication controls to verify the  
33 identity and role of the participant using the health  
34 information network.

35 c. Include role-based access controls to restrict  
36 functionality and information available through the  
37 health information network.

38 d. Include a secure and traceable electronic audit  
39 system to document and monitor the sender and the  
40 recipient of health information exchanged through the  
41 health information network.

42 e. Require standard participation and data sharing  
43 agreements which define the minimum privacy and  
44 security obligations of all participants using the  
45 health information network and health information  
46 network services.

47 f. Include controls over access to and the  
48 collection, organization, and maintenance of records  
49 and data for purposes of research or population health  
50 that protect the confidentiality of consumers who are

1 the subject of the health information.

2 2. a. A patient shall have the opportunity to  
3 decline exchange of their health information through  
4 the health information network. The board shall  
5 provide by rule the means and process by which patients  
6 may decline participation. A patient shall not be  
7 denied care or treatment for declining to exchange  
8 their health information, in whole or in part, through  
9 the health information network. The means and process  
10 utilized under the rules shall minimize the burden on  
11 patients and providers.

12 b. Unless otherwise authorized by law or rule,  
13 a patient's decision to decline participation means  
14 that none of the patient's health information shall be  
15 exchanged through the health information network. If a  
16 patient does not decline participation, the patient's  
17 health information may be exchanged through the health  
18 information network except as follows:

19 (1) If health information associated with a patient  
20 visit with a provider is protected by state law that is  
21 more restrictive than the Health Insurance Portability  
22 and Accountability Act, a patient shall have the right  
23 to decline sharing of health information through the  
24 health information network from such visit as provided  
25 by rule.

26 (2) With the consent of the patient, a provider  
27 may limit health information associated with a patient  
28 visit from being shared through the health information  
29 network if such limitation is reasonably determined  
30 by the provider, in consultation with the patient, to  
31 be in the best interest of the patient as provided by  
32 rule.

33 c. A patient who declines participation in the  
34 health information network may later decide to  
35 have health information shared through the health  
36 information network. A patient who is participating  
37 in the health information network may later decline  
38 participation in the health information network.

39 3. The office shall develop and distribute  
40 educational tools and information for consumers,  
41 patients, and providers to inform them about the health  
42 information network, including but not limited to the  
43 safeguards available to prevent unauthorized disclosure  
44 of health information and a patient's right to decline  
45 participation in the health information network.

46 4. a. A participant shall not release or use  
47 protected health information exchanged through the  
48 health information network for purposes unrelated  
49 to prevention, treatment, payment, or health care  
50 operations unless otherwise authorized or required by

1 law. Participants shall limit the use and disclosure  
2 of protected health information to the minimum amount  
3 required to accomplish the intended purpose of the use  
4 or request, in compliance with the Health Insurance  
5 Portability and Accountability Act and other applicable  
6 federal law. Use or distribution of the information  
7 for a marketing purpose, as defined by the Health  
8 Insurance Portability and Accountability Act, is  
9 strictly prohibited.

10 b. The department, the office, and all persons  
11 using the health information network shall be  
12 individually responsible for following breach  
13 notification policies as provided by the Health  
14 Insurance Portability and Accountability Act.

15 c. A participant shall not be compelled by  
16 subpoena, court order, or other process of law  
17 to access health information through the health  
18 information network in order to gather records or  
19 information not created by the participant.

20 5. a. If a patient has declined participation in  
21 the health information network, the patient's health  
22 information may be released to a provider through the  
23 health information network if all of the following  
24 circumstances exist:

25 (1) The patient is unable to provide consent due to  
26 incapacitation.

27 (2) The requesting provider believes, in good  
28 faith, that the information is necessary to prevent  
29 imminent serious injury to the patient. Imminent  
30 serious injury includes but it not limited to death,  
31 injury or disease that creates a substantial risk of  
32 death, or injury or disease that causes protracted loss  
33 or impairment of any organ or body system.

34 (3) Such information cannot otherwise be readily  
35 obtained.

36 b. The department shall provide by rule for the  
37 reporting of emergency access and use by a provider.

38 6. All participants exchanging health information  
39 and data through the health information network  
40 shall grant to participants of the health information  
41 network a nonexclusive license to retrieve and use that  
42 information or data in accordance with applicable state  
43 and federal laws, and the policies, procedures, and  
44 rules established by the board.

45 7. The department shall establish by rule the  
46 procedures for a patient who is the subject of health  
47 information to do all of the following:

48 a. Receive notice of a violation of the  
49 confidentiality provisions required under this chapter.

50 b. Upon request to the department, view an audit

1 report created under this chapter for the purpose of  
2 monitoring access to the patient's records.

3 8. a. A provider who relies reasonably and in  
4 good faith upon any health information provided  
5 through the health information network in treatment  
6 of a patient shall be immune from criminal or civil  
7 liability arising from any damages caused by such  
8 reasonable, good faith reliance. Such immunity shall  
9 not apply to acts or omissions constituting negligence,  
10 recklessness, or intentional misconduct.

11 b. A participant that has disclosed health  
12 information through the health information network  
13 in compliance with applicable law and the standards,  
14 requirements, policies, procedures, and agreements of  
15 the health information network shall not be subject to  
16 criminal or civil liability for the use or disclosure  
17 of the health information by another participant.

18 9. a. Notwithstanding chapter 22, the following  
19 records shall be kept confidential, unless otherwise  
20 ordered by a court or consented to by the patient or by  
21 a person duly authorized to release such information:

22 (1) The protected health information contained in,  
23 stored in, submitted to, transferred or exchanged by,  
24 or released from the health information network.

25 (2) Any protected health information in the  
26 possession of Iowa e-health or the department due to  
27 its administration of the health information network.

28 b. Unless otherwise provided in this chapter, when  
29 using the health information network for the purpose of  
30 patient treatment, a provider is exempt from any other  
31 state law that is more restrictive than the Health  
32 Insurance Portability and Accountability Act that would  
33 otherwise prevent or hinder the exchange of patient  
34 information by the patient's providers.

35 Sec. \_\_\_\_\_. NEW SECTION. 135D.9 Iowa e-health ----  
36 health information network services.

37 Iowa e-health shall facilitate services through  
38 the health information network or through other  
39 marketplace mechanisms to improve the quality, safety,  
40 and efficiency of health care available to consumers.  
41 These services shall include but are not limited to all  
42 of the following:

43 1. Patient summary records such as continuity of  
44 care documents.

45 2. A provider directory and provider messaging.

46 3. Clinical orders and results.

47 4. Public health reporting such as electronic  
48 reporting to the statewide immunization registry and  
49 reportable diseases.

50 5. Medication history.

1 Sec. \_\_\_\_\_. NEW SECTION. 135D.10 Governance review  
2 and transition.

3 1. a. The Iowa e-health governance structure  
4 shall continue during the first two years of the term  
5 of the state health information exchange cooperative  
6 agreement with the office of the national coordinator  
7 for health information technology to address the  
8 development of policies and procedures; dissemination  
9 of interoperability standards; the initiation, testing,  
10 and operation of the health information network  
11 infrastructure; and the evolution of health information  
12 network services to improve patient care for the  
13 population.

14 b. Following the end of the first two years of the  
15 term of the cooperative agreement, the board and the  
16 department shall review the Iowa e-health governance  
17 structure, operations of the health information  
18 network, and the business and sustainability plan to  
19 determine if the existing Iowa e-health governance  
20 structure should continue or should be replaced by any  
21 of the following:

22 (1) A public authority or similar body with broad  
23 stakeholder representation on its governing board.

24 (2) A not-for-profit entity with broad stakeholder  
25 representation on its governing board.

26 2. If the board and department determine that the  
27 governance structure should be replaced, Iowa e-health  
28 shall develop a transition plan to transfer the  
29 responsibilities for the domains specified in section  
30 135D.3.

31 Sec. \_\_\_\_\_. Section 136.3, subsection 14, Code 2011,  
32 is amended to read as follows:

33 14. Perform those duties authorized pursuant to  
34 sections ~~135.156~~, 135.159, and 135.161, and other  
35 provisions of law.

36 Sec. \_\_\_\_\_. Section 249J.14, subsection 2, paragraphs  
37 a and b, Code 2011, are amended to read as follows:

38 a. Design and implement a program for distribution  
39 and monitoring of provider incentive payments,  
40 including development of a definition of "meaningful  
41 use" for purposes of promoting the use of electronic  
42 medical recordkeeping by providers. The department  
43 shall develop this program in collaboration with the  
44 department of public health and the ~~electronic health~~  
45 ~~information advisory council and executive committee~~  
46 board of directors and the advisory council to the  
47 board of Iowa e-health created pursuant to section  
48 ~~135.156~~ 135D.4.

49 b. Develop the medical assistance health  
50 information technology plan as required by the centers

1 for Medicare and Medicaid services of the United  
2 States department of health and human services. The  
3 plan shall provide detailed implementation plans for  
4 the medical assistance program for promotion of the  
5 adoption and meaningful use of health information  
6 technology by medical assistance providers and the  
7 Iowa Medicaid enterprise. The plan shall include the  
8 integration of health information technology and the  
9 health information ~~exchange~~ network with the medical  
10 assistance management information system. The plan  
11 shall be developed in collaboration with the department  
12 of public health and the ~~electronic health information~~  
13 ~~advisory council and executive committee~~ board of  
14 directors and the advisory council to the board of Iowa  
15 e-health created pursuant to section ~~135.156~~ 135D.4.

16 Sec. \_\_\_\_\_. INITIAL APPOINTMENTS ---- BOARD.

17 1. The initial appointments of board member  
18 positions described in section 135D.4, as enacted by  
19 this division of this Act, shall have staggered terms  
20 as follows:

21 a. The board members designated by the Iowa  
22 collaborative safety net provider network and the Iowa  
23 medical society, shall have initial terms of two years,  
24 after which the members shall serve four-year terms.

25 b. The board members designated by the two largest  
26 health care systems in the state, the university of  
27 Iowa hospitals and clinics, and the Iowa hospital  
28 association, shall have initial terms of four years,  
29 after which the members shall serve four-year terms.

30 c. The board members designated by the federation  
31 of Iowa insurers shall serve initial terms of six  
32 years, after which the members shall serve four-year  
33 terms.

34 2. With the exception of board members who are  
35 representatives of state agencies and not subject  
36 to term limits as provided in section 135D.4, board  
37 members appointed under this section may serve an  
38 additional four-year term, with the exception of those  
39 board members initially serving a two-year term, who  
40 may serve two consecutive four-year terms following the  
41 initial two-year term.

42 Sec. \_\_\_\_\_. REPEAL. Sections 135.154, 135.155, and  
43 135.156, Code 2011, are repealed.

44 Sec. \_\_\_\_\_. TRANSITION PROVISIONS. Notwithstanding  
45 any other provision of this division of this Act,  
46 the department of public health, and the executive  
47 committee and the advisory council created pursuant to  
48 section 135.156, shall continue to exercise the powers  
49 and duties specified under that section until such time  
50 as all board members have been appointed as provided

1 in section 135D.4, as enacted by this division of this  
2 Act.

3 Sec. \_\_\_\_\_. EFFECTIVE DATE. The sections of this  
4 division of this Act repealing sections 135.154,  
5 135.155, and 135.156, and amending sections 136.3 and  
6 249J.14, take effect on the date all board members are  
7 appointed as provided in section 135D.4, as enacted by  
8 this division of this Act. The department of public  
9 health shall notify the Code editor of such date.

10 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. Except as  
11 otherwise provided in this division of this Act,  
12 this division of this Act, being deemed of immediate  
13 importance, takes effect upon enactment.>

14 128. By striking page 83, line 22, through page  
15 150, line 23.

16 129. Title page, line 3, after <appropriations> by  
17 inserting <, providing penalties,>

18 130. By renumbering as necessary.

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